APPENDIX A
PUBLIC INVOLVEMENT

- Notice of Intent to Prepare EIS and Public Notice of Scoping Meeting
- Scoping Meeting Transcript
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Notice of Intent to Prepare EIS
and
Public Notice of Scoping Meeting

Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202–343–9027; fax number: 202–343–2801; e-mail address: *Solar.Jose@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On Tuesday, July 31, 2007 (72 FR 41747), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OAR–2007–0176, which is available for online viewing at *www.regulations.gov,* or in person viewing at the Office of Air and Radiation Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202–566–1744, and the telephone number for the Office of Air and Radiation Docket is 202–566–1742.

Use EPA's electronic docket and comment system at *www.regulations.gov,* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *www.regulations.gov.*

Title: Reformulated Gasoline and Conventional Gasoline: Requirements for Refiners, Oxygenated Blenders, and Importers of Gasoline and Requirements for Parties in the Gasoline Distribution Network (Renewal).

ICR numbers: EPA ICR No. 1591.24, OMB Control No. 2060–0277.

ICR Status: This ICR is scheduled to expire on November 30, 2007. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: Gasoline combustion is the major source of air pollution in most urban areas. In the 1990 Amendments to the Clean Air Act (Act), section 211(k), Congress required that gasoline dispensed in nine areas with severe air quality problems, and areas that opt-in, be reformulated to reduce toxic and ozone-forming emissions. (Ozone is also known as smog.) Congress also required that, in the process of producing reformulated gasoline (RFG), dirty components removed in the reformulation process not be ''dumped'' into the remainder of the country's gasoline, known as conventional gasoline (CG). The Environmental Protection Agency (EPA) promulgated regulations at 40 CFR part 80, Subpart D—Reformulated Gasoline, Subpart E—Anti-Dumping, and Subpart F—Attest Engagements, implementing the statutory requirements, which include standards for RFG (§ 80.41) and CG (§ 80.101). The regulations also contain reporting and recordkeeping requirements for the production, importation, transport and storage of gasoline, in order to demonstrate compliance and facilitate compliance and enforcement.

The program is run by the Transportation and Regional Programs Division, Office of Transportation and Air Quality, Office of Air and Radiation. Enforcement is done by the Air Enforcement Division, Office of Regulatory Enforcement, Office of Enforcement and Compliance Assurance. This program excludes California, which has separate requirements for gasoline.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 2.4 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Refiners, Oxygenate Blenders, and Importers of Gasoline; Requirements for Parties in the Gasoline Distribution Network.

Estimated Number of Respondents: 4,068.

Frequency of Response: Once, Quarterly, Annually, On Occasion.

Estimated Total Annual Hour Burden: 127,041.

Estimated Total Annual Cost: $35,255,669, which includes $25,092,389 in annualized capital or O&M costs.

Changes in the Estimates: There is an increase of 5,351 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This increase is due to new requirements.

Dated: November 20, 2007.

Sara Hisel-McCoy,

Director, Collection Strategies Division.

[FR Doc. E7–23074 Filed 11–26–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6693–4]

Intent To Prepare an Environmental Impact Statement; Apra Harbor, GU

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of Intent to prepare an Environmental Impact Statement (EIS) to designate a permanent ocean dredged material disposal site (ODMDS) off Apra Harbor, Guam.

Purpose: EPA has the authority to designate ODMDSs under section 102 of the Marine Protection, Research and Sanctuaries Act (MPRSA) of 1972 (33 USC 1401 *et. seq.*). It is EPA's policy to publish an EIS for all ODMDS designations (39 FR 37119, October 1974). Comments on the scope of the EIS evaluation will be accepted for 45 days from the date of this notice.

FOR FURTHER INFORMATION, TO SUBMIT COMMENTS, AND TO BE PLACED ON A

PROJECT MAILING LIST, CONTACT: Mr. Allan Ota, U.S. Environmental Protection Agency, Region 9, Dredging and Sediment Management Team (WTR–8), 75 Hawthorne Street, San Francisco, California 94105–3901, Telephone: (415) 972–3476 or Fax: (415) 947–3537 or E-mail: *R9Guam_ODMDS_Scoping@epa.gov.*

SUMMARY: EPA intends to conduct public meetings and collect public comments in advance of preparing an EIS to designate a permanent ODMDS off Apra Harbor, Guam. This EIS will be prepared in cooperation with the U.S. Department of the Navy (Navy). An EIS is needed to provide the environmental information necessary to evaluate the potential environmental impacts associated with ODMDS alternatives and select a preferred alternative that meets EPA's site selection criteria at 40 CFR 228.5 and 228.6.

Need for Action: Both the Navy and the Port Authority of Guam (PAG) have plans to expand their operations in Apra Harbor, Guam. Expansion of the Apra Harbor Naval Complex and Commercial Port is proposed to accommodate projected increases in vessel and cargo traffic, newer classes of vessels and dockside maintenance and support operations. Expansion plans would require dredging to increase water depths for the safe navigation of military and commercial vessels. In addition, ongoing navigation activities also require periodic maintenance dredging. It should be noted that designation of an ODMDS does not constitute approval of ocean disposal. The Corps, with EPA concurrence, must first determine on a case by case basis that the proposed dredged material is suitable and that all beneficial reuse or other alternatives to ocean disposal have been considered. However, not all of the anticipated dredged materials can be accommodated in existing landfills and these sediments may not all be suitable for beneficial re-use (e.g., construction fills, wetlands restoration). Therefore, it is necessary to establish a permanent ODMDS to accommodate dredged material generated from anticipated new work and maintenance dredging in Apra Harbor.

Alternatives: The following proposed alternatives have been tentatively defined.

—''No Action''—Do not designate a permanent ODMDS, and continue to manage dredged material generated from new work and maintenance dredging with existing landfill and construction fill options subject to disposal volume limits. Future expansion of the naval and commercial port facilities will be limited significantly.

—''North Alternative ODMDS''—Designate a permanent ODMDS north of Apra Harbor, Guam, in a study area approximately 12–15 nautical miles offshore and in depths ranging from 6,000 to 6,600 feet.

—''Northwest Alternative ODMDS''—Designate a permanent ODMDS northwest of Apra Harbor, Guam, in a study area approximately 9–15 nautical miles offshore and in depths ranging from 6,600 to 8,400 feet.

The North and Northwest study areas were identified in the Zone of Siting Feasibility (ZSF) Study, Ocean Dredged Material Disposal Site, Apra Harbor, Guam, Final Report (September 2006). This ZSF study excluded areas from further consideration, such as: shipping lanes, navigational hazards, military operating areas (i.e., for submarines), marine protected areas (i.e., marine preserves), and important fishing areas (commercial and recreational).

Scoping: EPA is requesting written comments from federal, state, and local governments, industry, non-governmental organizations, and the general public on the range of alternatives considered, specific environmental issues to be evaluated in the EIS, and the potential impacts of the alternatives for an ODMDS designated offshore of Apra Harbor, Guam. Scoping comments will be accepted for 45 days, beginning with the date of this Notice. A public scoping meeting is scheduled on the following date: December 6, 2007, from 6–8 p.m., at The Weston Resort Guam, 105 Gun Beach Road, Tumon, Guam. The EPA presentation will be followed by public comments and questions.

Estimated Date of Draft EIS Release: March 2009.

Dated: November 9, 2007.

Laura Yoshii,

Deputy Regional Administrator, Environmental Protection Agency, Region 9.

Dated: November 20, 2007.

Anne Norton-Miller,

Director, OFA.

[FR Doc. E7–23043 Filed 11–26–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2006–0340; FRL–8499–5]

Renewable Fuel Standard Under Section 211(o) of the Clean Air Act as Amended by the Energy Policy Act of 2005

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 211(o) of the Clean Air Act (the Act), as amended by the Energy Policy Act of 2005, requires the Administrator of the Environmental Protection Agency (EPA) to annually determine a renewable fuel standard (RFS) which is applicable to refiners, importers and certain blenders of gasoline, and publish the standard in the **Federal Register** by November 30 of each year. On the basis of this standard, each obligated party determines the volume of renewable fuel that it must ensure is consumed as motor vehicle fuel. This standard is calculated as a percentage, by dividing the amount of renewable fuel that the Act requires to be blended into gasoline for a given year by the amount of gasoline expected to be used during that year, including certain adjustments specified by the Act. In this notice we are publishing an RFS of 4.66% for 2008.

FOR FURTHER INFORMATION CONTACT: Chris McKenna, Environmental Protection Agency, MC 6406J, 1200 Pennsylvania Ave., NW., Washington, DC 20460; *telephone number:* 202–343–9037; *fax number:* 202–343–2801; *e-mail address: mckenna.chris@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Calculation of the 2008 RFS

A. Background

The preamble to the final rulemaking for the Renewable Fuel Standard Program included a projected RFS for 2008 of 4.63%. 72 FR 23912 (May 1, 2007). In today's notice we are again using the calculational procedure from the final rulemaking to calculate the 2008 RFS. However, since some projections and assumptions used in the final rulemaking to calculate the projected 2008 RFS have changed, today's notice includes a recalculated and final 2008 RFS using the most recently available information. Since the RFS rule established clear legal criteria for deriving the standard (including specification of the formula used in today's notice, and all data sources), EPA is simply applying facts to pre-established law in issuing the final 2008 RFS standard. EPA is advising the

essee falls title tilt

Associated Press

Indiana's super freshman Eric scored 20 points, just his second game with fewer than 30, while hitting 4 of 12 shots.

▲ **No. 9 Washington State 71, MVSU 26:** Caleb Forrest scored a career-high 13 points and Washington State beat Mississippi Valley State in the Cougar Hispanic College Fund Challenge.

▲ **No. 10 Michigan St. 75, Oakland 71:** Goran Suton had a career-high 20 rebounds and scored 15 points and Raymar Morgan added 20 points to help Michigan State beat Oakland.

▲ **No. 12 Oregon 110, San Francisco 79:** Maarty Leunen had 18 points and 10 rebounds, seven players scored in double digits and Oregon beat San Francisco.

▲ **No. 14 Gonzaga 82, Virginia Tech 64:** Abdullahi Cuso had 19 points and 10 rebounds and Gonzaga defeated Virginia Tech for third place in the Great Alaska Shootout.

▲ **Seton Hall 74, No. 23 Virginia 60:** Brian Laing scored 25 points and Seton Hall knocked off Virginia to match their best start in seven seasons and win a share of the Philly Hoop Group Classic.

▲ **No. 24 Clemson 96, Gardner-Webb 67:** Cliff Hammonds had 16 points and seven rebounds and Clemson handed Gardner-Webb its worst loss of the young season.

▲ **No. 22 Butler 81, Texas Tech 71:** Mike Green scored 23 points and No. 22 Butler relied on its 3-point shooting to advance to the championship game of the Ours/Safeway Great Alaska Shootout.

points for the Bulldogs (6-0), who rallied from a six-point halftime deficit and found themselves trailing again with 7½ minutes remaining.

▲ **No. 11 Texas A&M** [illegible] shots from the field, including five of eight 3-pointers. Star Allen added 13 points and Jantel Lavender 10 for Ohio State (5-0), which will face No. 24 Auburn (5-0) in the [illegible] straight since losing 67-42 to No. 7 Rutgers.

▲ **No. 21 Texas 72, Kentucky 60:** Brittainey Raven scored 17 points to lead Texas [illegible] Winston-Salem 37: Whitney Boddie, Sherell Hobbs and Alli Smalley combined to outscore Winston-Salem in Auburn's victory at the Buckeye Classic.

PUBLIC NOTICE

Public Input Requested on the Proposed Site Designation of the Guam Ocean Dredged Material Disposal Site off Apra Harbor, Guam, Mariana Islands

AGENCY: U.S. Environmental Protection Agency (EPA)

SCOPING: EPA is requesting written comments from federal, state, and local governments, industry, non-governmental organizations, and the general public on the range of alternatives considered, specific environmental issues to be evaluated in the EIS, and the potential impacts of the alternatives for an ODMDS designated offshore of Apra Harbor, Guam. Scoping comments will be accepted for 45 days, beginning with the date of this Notice. A public scoping meeting is scheduled on the following date: December 6, 2007, from 6:00-8:00 pm, at The Weston Resort Guam, 105 Gun Beach Road, Tumon, Guam. The EPA presentation will be followed by public comments and questions.

ACTION: Notice of Intent to prepare an Environmental Impact Statement (EIS) to designate a permanent ocean dredged material disposal site (ODMDS) off Apra Harbor, Guam.

PURPOSE: EPA has the authority to designate ODMDSs under Section 102 of the Marine Protection, Research and Sanctuaries Act (MPRSA) of 1972 (33USC 1401 et seq.). It is EPA's policy to publish an EIS for all ODMDS designations (39 FR 37119, October 1974). Comments on the scope of the EIS evaluation will be accepted for 45 days from the date of this notice.

FOR FURTHER INFORMATION, TO SUBMIT COMMENTS, AND TO BE PLACED ON A PROJECT MAILING LIST, CONTACT: Mr. Allan Ota, U.S. Environmental Protection Agency, Region 9, Dredging and Sediment Management Team (WTR-8), 75 Hawthorne Street, San Francisco, California 94105-3901. Telephone: (415) 972-3476 or FAX: (415) 947-3537 or E-mail: R9Guam_ODMDS_Scoping@epa.gov.

SUMMARY: EPA intends to conduct public meetings and collect public comments in advance of preparing an EIS to designate a permanent ODMDS off Apra Harbor, Guam. This EIS will be prepared in cooperation with the U.S. Department of the Navy (Navy). An EIS is needed to provide the environmental information necessary to evaluate the potential environmental impacts associated with ODMDS alternatives and select a preferred alternative that meets EPA's site selection criteria at 40 CFR 228.5 and 228.6.

NEED FOR ACTION: Both the Navy and the Port Authority of Guam (PAG) have plans to expand their operations in Apra Harbor, Guam. Expansion of the Apra Harbor Naval Complex and Commercial Port is proposed to accommodate projected increases in vessel and cargo traffic, newer classes of vessels and dockside maintenance and support operations. Expansion plans would require dredging to increase water depths for the safe navigation of military and commercial vessels. In addition, ongoing navigation activities also require periodic maintenance dredging. It should be noted that designation of an ODMDS does not constitute approval of ocean disposal. The US Army Corps of Engineers, with EPA concurrence, must first determine on a case by case basis that the proposed dredged material is suitable and that all beneficial reuse or other alternatives to ocean disposal have been considered. However, not all of the anticipated dredged materials can be accommodated in existing landfills and these sediments may not all be suitable for beneficial re-use (e.g., construction fills, wetlands restoration). Therefore, it is necessary to establish a permanent ODMDS to accommodate dredged material generated from anticipated new work and maintenance dredging in Apra Harbor.

ALTERNATIVES: The following proposed alternatives have been tentatively defined.

- "No Action" - Do not designate a permanent ODMDS, and continue to manage dredged material generated from new work and maintenance dredging with existing landfill and construction fill options subject to disposal volume limits. Future expansion of the naval and commercial port facilities will be limited significantly.
- "North Alternative ODMDS" – Designate a permanent ODMDS north of Apra Harbor, Guam, in a study area approximately 12-15 nautical miles offshore and in depths ranging from 6,000 to 6,600 feet.
- "Northwest Alternative ODMDS" - Designate a permanent ODMDS northwest of Apra Harbor, Guam, in a study area approximately 9-15 nautical miles offshore and in depths ranging from 6,600 to 8,400 feet.

The North and Northwest study areas were identified in the Zone of Siting Feasibility (ZSF) Study, Ocean Dredged Material Disposal Site, Apra Harbor, Guam, Final Report (September 2006). This ZSF study excluded areas from further consideration, such as: shipping lanes, navigational hazards, military operating areas (i.e., for submarines), marine protected areas (i.e., marine preserves), and important fishing areas (commercial and recreational).

ESTIMATED DATE OF DRAFT EIS RELEASE: March 2009

Scoping Meeting Transcript

PUBLIC SCOPING MEETING FOR THE PROPOSED DESIGNATION OF AN OCEAN DREDGED MATERIAL DISPOSAL SITE FOR GUAM

December 6, 2007

PREPARED BY: GEORGE B. CASTRO
DEPO RESOURCES
#49 Anacoco Lane, Nimitz Hill Estates
Piti, Guam 96915
Tel: (671)688-DEPO * Fax: (671)472-3094

PUBLIC SCOPING MEETING FOR THE PROPOSED DESIGNATION OF AN OCEAN DREDGED MATERIAL DISPOSAL SITE FOR GUAM

Public Scoping Meeting for the Proposed Designation of an Ocean Dredged Material Disposal Site for Guam, was taken on Thursday, December 6, 2007 at the hour of 6:33 p.m., at The Guam Westin Hotel, Tumon Bay, Guam, before George B. Castro of Depo Resources. That at said time and place there transpired the following:

PRESENTERS

Ms. Faith Caplan,
AICP Senior Planner, TEC Inc.

Mr. Brian Ross

Mr. Allan Ota

ATTENDEES:

Celestino Aguon	Department of Agriculture
Ed Aranza	Guam Environment Protection Agency
Rick Reins	Environmental Engineer
Chip Brown	EA Engineering
Amelia Deleon	GCMP/BSP
Jay Gutierrez	Department of Agriculture
Cole Herndan	Recycling Association of Guam
Jesse Rosario	GFCO
John McCarrall	US EPA
Bob Okoniewski	AAFB
Robert Shambach	EA Science and Technology
Michael Wolfram	US EPA

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TUMON, GUAM, THURSDAY, DECEMBER 6, 2007; 6:33 P.M.

OPENING REMARKS BY

FAITH CAPLAN

MS. CAPLAN: Okay. Hafa Adai. Welcome. Thank you for joining us this evening. We know that this is a busy time of the year and we really appreciate you taking the time out of your schedule to come to this meeting.

The purpose of the meeting is U.S. EPA's proposal to establish an ocean disposal site for dredged materials. There had been a lot of other meetings in Guam lately. In fact, there's one tonight that we're conflicting with, that's a Civilian Military Task Force Meeting.

I just want to emphasize at the beginning that this project and this presentation has nothing to do with the military in any respect. It has nothing to do with a project that Government of Guam might be coming up with. It has nothing to do with Ordot Landfill, anything. This is all about

EPA's proposal to designate an ocean disposal site.

So the format for tonight's meeting, I know it sounds a little formal, there are so few of us here, but the only way we're capturing this meeting is through the microphones. So, that's why otherwise we could just all sit around the table and chat.

So what we're going to do is have a 20-minute presentation by the EPA representatives. And then we're going to take a 10-minute break and reconvene and at that time, you'll have an opportunity to use the microphone and present your comments.

Besides giving us oral comments this evening, you can also turn in a comment sheet. You can drop it in the box by the back door. You can -- if it's only one sheet, you can fold it, put a stamp on it, stick it in the mailbox. You can also e-mail your comments, and all the addresses are on this form. The due date, the end of the scoping period is January 11th, 2008.

There are a couple of minor things I want to mention before we start. We ask that you please hold your questions until the second

part of the meeting. This door is shut but only so that nobody comes in and interrupts the presentation. If there's an emergency, please do use that door.

And now, I'd like to introduce Mr. Brian Ross who will begin the presentation followed by Allan Ota.

PRESENTATION BY BRIAN ROSS
U.S. ENVIRONMENTAL PROTECTION AGENCY

MR. ROSS: Okay. Thank you, Faith. And once again thank you all for coming. I know it's a busy time of year and apparently the traffic has been quite bad at this time of night. So thanks again for coming.

Again, we're here, Allan Ota and I, from the U.S. Environmental Protection Agency in San Francisco. We are in what's called the Dredging and Sediment Management Team at the EPA Office, part of the Water Division. And we, our team, manages ocean dredged material disposal sites all around the Pacific and the West Coast of California. But Guam doesn't have one and we'll tell you a little bit about why.

Aand how we're going to divide this up briefly.

I'm going to go through a few slides to talk just generically about dredging, what it is, and most of you probably know a little bit about dredging and disposal. Aand then about what it takes to designate an ocean disposal site, all the things we make sure we avoid in terms of impacts, how we go about the process., Aand then Allan is going to come up and tell you in more detail specifically about how that process will be applied here in Guam and the kinds of specific things we've already been doing to look for the environmentally best places to manage dredged material in Guam. So, Allan?

The other thing we're going to do is end up by showing you the alternatives that we've tentatively identified to evaluate in the Environmental Impact Statement we're about to start on. And this is, of course, the scoping phase of the process.

So, we're here specifically to give you an initial idea of what the proposal is and how we're going to go about looking into it and

evaluating it. And what we especially want is your feedback on what we're doing; are we looking on the right kinds of things and are there data sources or information that we may not know about already from our initial look that we need to consider in the EIS that we're about to start?

So, next. Dredging, is some, you know, the act of removing sediments from the bottom, is necessary for safe navigation and it's necessary just for the maintenance of existing approved facilities in and the water depths that are approved for those facilities. Once again, this is, the idea of dredging is, happening now anyway. It has really nothing to do specifically with any port expansions or Navy expansions or anything else.

You may need to dredge even existing facilities. When there is a need and it does get approved to expand a facility, then dredging is needed for that too. In general, those kinds of dredging projects can generate much larger volumes of material that have to be managed somehow.

Again, dredging, you've probably seen

it go on around the Island at sometime. These are some pictures from San Francisco that are very large equipment. But dredging is basically, in the Islands, usually a mechanical operation., craneCrane-mounted buckets that drop down, scoop up mud from the bottom, raise it up and swing it over into a barge and dispose it or place it into the barge. And in this particular photo in the background, you see them starting to fill the barge on the left which is rising. Iding, i, it's basically empty, that's why it's riding so high up in the water.

And the barge on the right, has already been filled, and it's waiting to be towed out to a disposal site. And it's many feet deeper, it's even deeper in the water because of the load of dredged material it's carrying.

Once dredging happens, where does the material go? Sometimes sediments that get dredged up are contaminated and when the sediment is contaminated it typically has to be handled at specialized facilities that can handle the contaminants associated with that material.

I want to really emphasize that's not ocean disposal. Ocean disposal can only be an option even, for material that's clean. It passes a variety of tests that we'll talk about.

The good news is that most sediments really, nationally and probably most sediments that will be dredged in Guam are clean, clean enough to have several options. And under our regulations and Federal Regulations and also the policies of most states and certainly the policies of Guam, whenever possible we want to see that material, even when it's clean, be recycled in some way that we call beneficial reuse. We want to see it used in some productive way rather than disposed as a waste anywhere. But often beneficial reuse projects aren't available at the time a dredging project has to happen. And when that's the case then some other kind of disposal has to be sort of the next choice. And land or ocean disposal options are those next choices.

In Guam, and in a lot of Pacific Islands, the land option is very limited. There are a lot of concerns and impacts that

happen if you're starting to fill other lands and some of the other impacts associated we'll talk about. And when that's the case, having an ocean disposal option is quite important. It may be even more important than it is for mainland projects. It is only an option though. It's one of the options in your toolbox to make sure you have the ability to manage dredged material as best you can.

So this is just a very brief flowchart. It starts with when you have a need for dredging, you have a project. One of the first steps is the sediments have to be tested to determine whether they're clean or contaminated. And again, most sediments are not contaminated, but when they are, there are still some options for beneficial reuse but it's much more limited. The sediments have to be managed very carefully, usually in some kind of a contained manner and a specialized facility and in extreme cases you may be looking at the need for treatment.

On the other hand, when the sediments are clean, and again most of the volume of dredged material does end up being clean, then

a lot more options are available. And, again, beneficial reuse is the first choice for various kinds of projects if you can get them to line up properly with the dredging need.

Habitat creation, we do a lot of that in California. And we do a lot of beach nourishment with clean sand that comes from dredging projects. Dredged material is, depending on the physical characteristics of it, can be great for construction fill. If it's very silty, wet material, it's often not very good for construction fill but it might be good for habitat creation if you have such a need.

If beneficial reuse isn't available, land disposal is another option and as is ocean disposal. But, again, Guam currently has no ocean disposal option, so the toolbox for Guam is not complete. And that's really what we're here to start working on.

Once you do have an ocean disposal site, and probably you guys have seen these kinds of things before, the dredged material is placed in the barge. In this case, this is a picture of a scow filled with dredged material

being pushed out to an ocean disposal site. And so, the material is physically pushed out.

An important thing to note here is that this barge is not a huge barge from ocean-going scow standards, but that probably is still holding about a thousand yards or more. And the equivalent of this, if it was being handled on land and having to be re-handled from one piece of equipment to another, that would be roughly 100 truck loads. And so, environmentally, if you don't have to do that, you're handling it once rather than 100 times to move the same volume of material.

Well, when it gets out to the disposal site, these barges are split hull barges that are typically used. split Split hull barges like this, where the entire barge is hinged and the bottom just opens up, the entire hull opens up and the dredge material in the barge will fall out literally in a matter of seconds. So, it's sort of like a big dump truck used on land. But much more material being handled and the disposal is very fast. We've got a hundred trucks in that case worth of material in one minute probably being dumped. So, that's how

you get it there.

But when can dredge material go to the ocean, an ocean disposal site? Well, under the Marine Protection, Research and Sanctuaries Act, that's our governing Federal Law and the EPA regulations for ocean disposal that are under that act. Again, as we said first, only projects beneficial use or something like that is the first choice. You have to look to those kinds of options first. And in fact, we cannot allow an ocean disposal permit to be issued if there is an alternative that would have less environmental impact and that would be available and practical for that dredging project.

I want to emphasize that for just a second. There are lots of kinds of beneficial use, but in reality when it comes to matching up a dredging project with a beneficial use project, it can be quite challenging. So logistics; it's not just a matter of cost, it's not just a matter of chemistry, it's also a matter of logistics.

So if, for example, the Port of Guam has a new berth that they'd like to build, the

Navy has some dredging that they're doing, I'm just making this up entirely, in the past but there might be an opportunity to put those kinds of uses together, b. But if the dredging, the navigation need for the dredging project has to happen, you know, this year and the permits for the fill, the new site to place that material aren't going to be ready for five years, those don't match up.

So, the lesson is that we encourage and the law encourages beneficial use first but it's simply not possible all the time. So again we need something like an ocean disposal site to be able to manage dredge material and dredging projects when they have to happen in an environmentally appropriate way.

So if, again, there are no alternatives, then the materials still has to be cleaned. And this chemical testing and biological testing step is quite important. EPA directs and has to approve all that testing, all the sampling that happens. Aand there's not only the chemical testing to show that the material isn't contaminated to a degree that would be a problem in the

environment, but also there's actually seven separate biological tests that get run.

So, the ocean dumping regulations are actually some of the most stringent we have in terms of sediment quality and where thea material can go.

So, finally, where can the dredge material be placed? It's critical to understand that dredge material can only be disposed in the ocean at designated sites that EPA designates and that's, in fact, what this process is about. And we have very strict standards in our regulations for the kinds of things that we have to do to make sure we're picking the environmentally best location to place even clean material. It still has to go in a location that's not too sensitive.

So specifically, these sites must be located in places that avoid interference with other important uses of the ocean and specially things like fishing. Fishing, navigation lanes, military areas, areas that, either for safety purposes or otherwise, have to just be off limits to us disposing of dredge material.

Also, the sites have to avoid

significant environmental impacts as well. So beaches, shore lines, important habitats like coral reefs, the coastal zone in general, all these things are things that are important areas that we try to avoid when we're looking for where we can place a new disposal site.

And then finally, the regs actually also require that we try to use sites that were used in the past if possible just so that we're not having cumulative effects of mud being placed on the bottom in more than one place, unless those old sites really were not environmentally appropriate.

Okay. With that, that kind of brings us to Guam. We have this general approach for the kinds of things we do and avoid. Well, how does this all fit together for Guam? Allan Ota is going to walk you through a little bit of that and we'll get into more details. Thank you.

PRESENTATION BY ALLAN OTA
U.S. ENVIRONMENTAL PROTECTION AGENCY

MR. OTA: Thank you, Brian. Guam did have an interim ocean disposal site, however it

expired in 1997. And beginning in today's or this year's site designation process, it would not meet the screening criteria.

There's an existing need for dredging and the need covers a variety of facilities, existing portcourt, Navy and private facilities. And, you know, these facilities need periodic maintenance dredging, as already described earlier. But also the need expands further with possible expansions. So that would generate material during the construction phase as well as generate even more volume for maintenance dredging. And under the current management scheme, all of this material will have to go to land. So the need for an ocean disposal site, I think, is very prominent and kind of obvious for this island.

We've talked about this already, beneficial reuse is preferred in general but it's not possible for all dredge material from all projects, and I think we've already touched on this, you know, logistics and timing for specific projects, may not allow this to happen.

Existing land options are limited and

the land sites have their own environmental impacts. So, again, ocean disposal would be an important additional option for managing clean dredge material for Guam. And, again, the whole idea of, you know, let's complete the management toolbox for Guam.

A site designation typically begins with something called a Zone of Siting Feasibility Study. And this study requires collecting existing information which allows us to do a few things here, including identify an economic disposal distance within this zone, identify areas to avoid including fishing areas, sanctuaries, important habitats like coral reefs, we've already talked about that, shipping lanes, military operating areas, to name a few. And then once we've gone through that process of identifying those areas to avoid, then you're left with areas that have not been eliminated, and these are the areas that would be further evaluated in an environmental impact statement.

So here are the results of the Zone Siting Feasibility Study that's been conducted this year in 2007, and I'll just run through a

series of slides that show a succession of layers.

And here's the first layer. It shows the navigation and coastal zone. And the next slide shows the military operating areas and safety zones. And the next slide shows the fishing resources and sensitive habitat areas. And the dots you see scattered about the Island on the west, south and north are fish attraction device locations.

And then, finally, we've added the economic disposal distance layer. And once we've completed this, you'll see that there are two white areas on the map and these are the areas that have not been eliminated by this initial feasibility study. And, you know, these are the areas that we will be proposing to conduct further studies in and make our evaluation and hopefully identify an ideal disposal site within either of those areas.

This is a zoomed-in view of those two white areas. And I want to emphasize that any ocean disposal site that ends up being located would not encompass the entire area of either these alternative study areas. In fact, the

disposal area would actually occupy a much smaller portion of either of those study areas.

And the yellow circle depicts what we expect to be the disposal site location. In this case, in the lower site, lower area there, if that turns out to be the right spot.

And then we've done -- we've conducted preliminary oceanographic computer modeling. And the modeling has basically indicated to us that the sediments would fall to the bottom and occupy an area the approximate size, which is depicted by the gray circle. So just imagine that this disposal site would occupy a much smaller area within either of these alternative study areas.

It's also important to note that the dredged material that ends up falling and occupying the seabed within one of these designated areas would remain far off the coast of the Island of Guam. Again, we're addressing some of those impacts that have been already described as far as avoiding impacts to the coastal zone et cetera.

The next step that we would be embarking on soon will be to conduct field

studies within the alternative study areas. And these are going to be including a year-long oceanographic program that would be collecting data to characterize ocean currents and water properties. In addition, there would be chemical and biological baseline surveys to characterize the sediment chemistry and also the biology including bottom-dwelling organisms and the fish in the water.

At the completion of the baseline studies, the idea is to analyze the data, and in consultation with the agencies and with public review, identify the best site within either of the alternative study areas. And the information will be incorporated into an environmental impact statement.

Tentatively, we've identified three alternatives and these have also been identified in the Federal Register Notice and Public Notice. And they includinclude:e, designate one site in either of the study areas, the northwest or the north, and then the third alternative is a no action alternative, which is to continue under the current management scheme with only land disposal.

So, in summary, what's next? We expect to embark on field studies of a year-long altogether, beginning in January 2008 and concluding in January 2009. Then the next step is to analyze all of the data, the existing data, as well as the data collected from field studies, and do a detailed evaluation of the alternatives and then compile these this information, incorporate it into a draft EIS, and the target is Spring 2009.

We want to remind everyone that there are ample opportunities for comment during the site designation process. The yellow box indicates where we are right now. We are, you know, accepting comments during this public scoping meeting and during the scoping comment period.

After that, when the draft EIS is issued, there'll be two more opportunities there, public meeting and as well as the comment period. We're also going to be conducting our consultation with all the agencies indicated there. And when the final EIS is published, there will be a concurrent publication of proposed rule, and that will be

another comment opportunity.

The estimated end completion date for this site designation is the end of 2009. And we'll be hoping to receive comments from you in a variety of ways. Give us verbal comments tonight, give us written comments. We've got the comment sheets that you've been told about already and we have an e-mail box that you can send messages and comments electronically as well as the mailing address indicated there for regular mail. And, again, I just want to remind everyone that the scoping comment period deadline is January 11th, 2008.

MS. CAPLAN: Thank you, Brian and Allan. We were planning now to take a 10-minute break. There's so few of us here, maybe we can make it a 5-minute break. Is that okay? No reason to drag this out. One of the values of having the 10-minute break was so that -- yeah, so just five minutes. We'll see you in five. Thank you.

(Off the record from 7:00 p.m. to 7:12 p.m.)

MS. CAPLAN: Okay. Thank you, everybody. We're going to reconvene here. If

you could please take your seats, we'd appreciate it. So the way this is going to work is we're going to have Allan and Brian up in the front of the room to answer your questions.

We have John Sato (phonetic) in the corner there. He'll be recording key themes or issues that we hear about tonight. And then we have David -- there he is. David MorrisMoore, the man with the microphone. Since this is being recorded tonight and it will be transcribed later by somebody who's not even here, we do need to capture everything on the microphone.

So, before you speak, David will call on you to speak. I understand that there's a gentleman who has another engagement and would like to speak first. So can we start with this gentleman, please?

PUBLIC COMMENT BY ED ARANZA

GUAM ENVIRONMENTAL PROTECTION AGENCY

MR. ARANZA: All right. Good evening, my name is Ed Aranza from Guam EPA. I was wondering what type of training the Feds can

provide the state employees regarding dredging and monitoring of dredge material and that type of activity.

MR. ROSS: Sure. I can't tell if you can hear me but -- okay. Thanks. Yes. Actually, we don't have a formal program set up, but I can tell you that, yes, we can help with that. Actually, the Corps of Engineers andin EPA nationally, do put on a training program called the Dredged Material Assessment and Management Seminar.

Usually every couple of years, somewhere in the country -- and actually I think in April, there will be another one, that's a four or five-day course in Sacramento. So that's a national course. In addition, I can't commit to particular times or dates because of our travel dollar situation, but I can tell you that a few years ago we came out and helped put on some training for agencies about 404 and wetlands.

We could certainly look for an opportunity to do even a more personalized kind of training, more focused on the islands than this national seminar would do at some point

with you all. And the types of issues that are covered in this training is basically a little bit about dredging itself, but it's mainly about how to sample sediments and the testing we do to determine whether the sediment is suitable to be used for different uses like ocean disposal or landfill or whatever like that.

So, yeah, April -- and I can make sure, if you leave us your e-mail address, I'll make sure that as soon as the actual details come out, I'll send you information about the April training in Sacramento. But also we could start a dialogue about whether we can get some more specific training out here, certainly by the time we have an ocean disposal site to start using, which would be, you know, 2010 before we're actually using one here.

MS. CAPLAN: Before we go on to our next speaker, I would like everyone to please announce their names to everyone, so we can all know each other. And also, if you're representing someone other than yourself, an organization, if you could mention that organization as well, we'd appreciate it.

Thank you.

PUBLIC COMMENT BY RICK REINS,
ENVIRONMENTAL ENGINEER

MR. RAINS: My name is Rick Reins Rains(phonetic), I'm an Environmental Engineer. I'm here representing myself. I have a question. If you could bring back up the map that shows the two -- where you had the dots in the areas that you're going to study. You made a comment that says that you're going to avoid impacts to important habitats within these two areas. And, what is found -- number 1, what is found at the bottom of the ocean in these areas at 6,000 feet and what studies are you going to do to find out what is down there and the potential impacts?

MR. OTA: The deep ocean environment typically is pretty nondescript. I mean, with the exception of, for instance, in the northwest alternative study area, there is this pinnacle located in the northwest part of the northwest alternative study area. You know, it's a feature where we might expect to find

something, you know -- yeah.

But, in general, in most flat deep areas, fine grains, sediments, it's, you know, you'll find typically not a whole lot in terms of, you know, large communities because of the overall nature of the deep sea. There isn't a lot of organic matter in general relative to, you know, closer into shore and shallower environments which may be, you know, may have sources of organic matter that would, you know, supply a larger more robust community of organisms.

So, we're not really expecting to see as much in comparison to what you'd find closer to the island. The type of studies that we'd be doing, as we've described earlier in the presentation, we'll be doing, you know, a sediment sampling to assess the chemical nature of the deep sea sediments. We'll be collecting samples of the sediments in the upper layers of the sea bed to determine, you know, what kind of organism we do find.

We basically expect to find mainly smaller organisms and not necessarily in large or high concentrations, but in any case, you

know, the idea is to see what we could find out there. There might be features that you can't see on these generalized maps and we want to be able to make sure that we're not missing anything.

MR. ROSS: Perhaps, I'd like to add just a little bit to that too. We will be doing these studies and looking at the benthic community, the animals that live in the mud, and figuring out exactly what they're like down there, but we'll also be doing fish trolls trawls at depth, to see what kinds of the larger organisms are living down there as well.

And, as Allan said, we don't really expect to find too much in these particular areas that's really unique, but that's actually the whole point of doing these studies. We're looking to make sure that, you know, we really don't know right now other than in general from literature what we expect at 7,000 feet deep in the mud. But we really don't know right out here, is that going to be the case? Are we going to find some hydrothermal vent, you know, on the site of this pinnacle? This area is a little more featureless. But in the north --

but that's the whole idea, is to make sure within these areas, is there anything that we don't know from existing information that we need to avoid? And if we do, since the disposal sites themselves would only take up about that much space, we have a lot of latitude to move them around and avoid things. And so, that's the whole point, is to do all these studies and find the best place to avoid any kind of unique or sensitive habitats or communities.

PUBLIC COMMENT BY CHIP BROWN

EA ENGINEERING

MR. BROWN: Yeah, my name is Chip Brown. I'm with EA Engineering. And if you go back to the previous map, please.

MR. ROSS: The overall?

MR. BROWN: Yeah, the overall. I see the two areas there, but it looks like there might have been a possibility for another area on the -- yeah, that area right there. Can you tell me why that was eliminated?

MR. OTA: Yeah. That's a good question

and we've had a few other people who pointed that out to us. The main reason that that area was not eliminated from further study is because while as a crow flies, it would seem to fall in, you know, obviously falls within the economic disposal distance radius there.

From an economic standpoint, for any dredging projects taking dredge material -- how do you operate? Okay, here we go. There are these other exclusionary areas here previously identified for military operating areas and safety zones and so forth. By the time a dredge scow would be towed out and make a dog leg to the south southwest to avoid these areas, the tow distance actually ends up exceeding the economic disposal distance.

MR. ROSS: And to us it goes without saying, but it may not go without saying to you all that, "Well, hey, you know, this is the open ocean, you know, a barge could go straight and that would be less than 20 miles." When we do site designations like this, we'll actually set up rules. It's a rule making that we do, it, comes from a rule in law, and we would actually make them stay outside of the military

operating area and not be going through the official fish attraction device areas, and the safety zones.

We've actually had scows and tugs caught by submarines. It happened in Southern California several years ago. A sub caught, the tower of a sub caught the cable that was towing between, behind the tug up to the scow, caught it and pulled them right down and I think a couple of people died. It's a matter of safety, we would specify that the route that barges have to take to get to the disposal site. We would not let them go straight to that site for safety purposes. So, then yes, then it becomes outside the economic distance at that point.

MR. BROWN: Okay. Thanks. I think I just have one more question. On one of the slides when it says, "When can dredge material be disposed of in the ocean?" It says, "Biological testing sediments are subject to seven separate tests for toxicity and bioaccumulation." Can you explain a little bit what those seven tests are?

MR. OTA: Yeah, sure. The tests are

divided into two different types of media. There is a suspended phase, it's basically a water column exposure test and there're three of those tests. And then the other tests are related to solid phase exposures, animals that are exposed directly to the sediments. And two other tests involved or two of the test organisms are designed to assess the acute toxicity and then the remaining tests are to evaluate the potential for chronic or bioaccumulation exposures.

So altogether, you know, the tests actually assess the potential impacts from different niches and also different feeding types and it's basically a testing scheme that is designed to evaluate the potential for all these various pathways basically.

MR. ROSS: And one small bit of elaboration on that as well. Not just the pathways but also the timeframes. The water column tests are specifically short term exposure test. So this is when the sediment, you know, we're talking 6,000 feet of water here, right? You're going to dump from the bottom of these barges and it's going to fall

down and the heavier stuff's going to fall faster and closer and the finer stuff's going to spread out farther and stay in the water column longer.

So, the suspended phase tests are designed specifically to look at whether there's any toxicity or any problem to a sensitive, usually planktonic type or organisms like that, might be exposed for shorter periods of time in a water column. Whereas the solid phase test, as we call them, the benthic toxicity and the bioaccumulation tests are much longer exposures and are looking for what happens, you know. B, because, frankly, most of the exposure is going to be to animals that are exposed to it for a long period of time on the bottom. So, we cover acute and chronic, we cover short-term and long-term and then we cover various, as Allan said, various different feeding types.

PUBLIC COMMENT BY COLE HERNDAN

PACIFIC DIVERS CLUB

MR. HERNDAN: I'm Cole Herndan from the Pacific Divers Club. Yes, I was wondering a

number of things. Back in 1975 August, the tugboat Hamburg was towing out the 715-foot luxury liner, the Caribia, and Tropical Storm Mary spun up and they had to cut the cable and the thing slammed into the breakwater. And they had to get a salvage team out here and cut that 715-foot luxury liner into 400-ton sections and lift it out with floating cranes. I was just wondering, well, what kind of preparations do you have, say, how far into a Typhoon Condition, say, 3 or so, that are you going to be operating and is there any possibility that you would get caught up and not know what to do with your load because you got such a tight work schedule? that That -- one of the lessons they learned from Super Typhoon Pamela, which end up destroying a lot of the water craft, a lot of the ships, there's a couple of ships sunk up over there by Gabgab reef. One called the Slidrey (phonetic), the other called the Peace Ocean. Because they found out after Super Typhoon Pamela hit in May 1976, that the harbor was not a good place to store your boats because the entrance is like 500 yards across and there's really no good

place to put those, that equipment. So what's your plan for all that equipment? And, surely we're not going to have another situation like the tugboat Hamburg that cuts its cable loose and you got the ship slamming into the breakwater and when --

MR. ROSS: Yeah.

MR. HERNAN: -- obstructing, they had to get a salvage team out there because they were afraid that thing was going to obstruct. That's navigation.

MR. ROSS: That's a really, really good question. One of the things that's a big issue, for us, and it's the kind of thing we do talk about in the EISs for designating an ocean site, is, we're talking about ocean going equipment, going out into uncertain and rough conditions and accidents can happen and negligence can happen. And believe it or not we actually do put a lot of thought into that sort of thing in the way our regulations work.

I put this slide up as a little illustration of that. Off San Francisco -- and what does that have to do with you guys, right? Well, it actually does a little bit. Off San

Francisco, we have a deep ocean disposal site that's actually 55 miles offshore in almost 10,000 feet of water. One of the big public concerns going to that EIS was just what you're mentioning. It's wait a minute, how or -- well, there are a lot of concerns that I can talk about, but you're going out on into the open ocean conditions. "We, the public, we're worried about a couple of things. We're worried that you're going to go out in these big waves -- and this is, by the way, all the way out to here (indicating). This is National Marine Sanctuary they've got to transit through. "

"And so, we're afraid you're going to be leaking or spilling the mud on the way. We're afraid that you're going to be, since you're going through the traffic lanes with these fairly slow moving tugs and it's a busy port, that we're going to have concerns about collisions and accidents especially in bad weather. We're concerned that you're going to have somebody cut a drift out here because they lose power. That's about a 20-hour transit out there."

MR. HERNAN: Wow.

MR. ROSS: And those are very real world questions that you brought up. And what we have done on this particular site, we've put a lot of thought into it so it is just sort of operational safety kinds of things. It's not just safety for the operators, that's very important, but safety for the environment as well. And so one of the things that we worked out in San Francisco for this site is that they can't even begin a trip out to the disposal site if the sea state is above a certain site wave size.

MR. HERNDAN: Right.

MR. ROSS: And if they -- literally every -- in fact, let me show you one other slide real quick. Every tug, every single trip that goes out to the disposal site has to go through a checklist before they can even leave. In that case, part of it is, it happens that in San Francisco it's a 16-foot sea with, I think, a 9-second or less period because then the seas are too big and too steep and you're going to start spilling material. And we don't want spilling through the sanctuary. They can't

even start. Their tracking systems have to be working. They have to have checked a certain weather buoys offshore to look at the sea state predicted over the next 24 hours.

So, we work out a lot of that stuff and we end up having some fairly conservative requirements so that they don't even go out when it gets, when it's knowingknown, you know, we know that it could be dangerous. But, you know, I won't sugarcoat this, accidents still happen at sea. We've had a tug go down and the good news is (no one died) and we've had some barges leak through the sanctuary. Some of that's negligence. And when it's negligence, EPA takes enforcement actions. And we've issued some big fines to people who are not doing everything they should do to avoid these kinds of problems.

But, occasionally there are accidents that really are accidents. And the good news is, going back to all the sediment testing stuff, if there is a barge that's lost or for safety reasons has to cut its load or something like that, we know it's going to be clean material chemically. It's going to have some

physical impact perhaps, depending on where it lands and somebody's going to be responsible for that if it's significant but it's at least going to be clean material.

So, when you add all these things up we've actually had a pretty good track record of being able to manage this kind of thing. But part of it is just that it's avoiding the things that you can avoid, and that tug that got clipped by the sub down in Southern California taught everybody some lessons about that kind of thing.

So, those are really good questions. Now, I think, if I can say one more thing. You also asked about equipment. Anytime you have a disposal site that's well offshore in open ocean conditions, Guam or San Francisco, little, tiny, mom and pop marina-type barges are often not what's going to be safe to go there. So it's going to be, tend to be larger equipment, larger tugs and again we require the vessels to be certified and that sort of thing.

But, it's a -- so it's not the answer for everybody. You know you can't just go out there in a little boat on a Saturday and do

this. But it should be helpful for managing dredged material for a lot of larger projects.

MR. HERNAN: The thing was that most ships if they came they get out of port because Apra Harbor is not a good place to keep your boat in during typhoons. That was the lesson from Pamela. Many ships, in fact there's a USS Topoa --

MR. ROSS: You've got one on the reef right now. You've got a barge in your area --

MR. HERNAN: You got USS Topoa, the US Navy tugboat, the YTB 419, that sunk right off Reserve Craft beach during Pamela.

MR. ROSS: Yeah.

MR. HERNAN: And I was just wondering if they try to get that equipment out to sea away from the typhoon or exactly what do they do with that?

MR. ROSS: Well, when its dredging equipment -- it's probably pretty questionable where the safest place to put it.

MR. HERNAN: Yeah. Right.

MR. ROSS: I don't know whether offshore, on a flat barge with a derrick that's 200 feet high is the place to go, but --

MR. MOORE: Thanks. The type of dredging that's going to happen most likely for some of the -- particularly for some of these larger projects, is going to be mechanical dredging. So, it's going to consist of basically a crane on a barge.

If weather predicted like a typhoon is coming in, they can actually demobilize that equipment off the barge. And so, basically, you're ending up with a flat barge that you're going to have to find a place to tie that up during the storm. But as far as the actual equipment that is used to excavate and everything else, they can get that off the barge and it's towed away some place.

MR. ROSS: This is a pretty good size equipment, I'm showing the picture here; a flat barge and a large crane that can be rolled off. But a smaller, you know, a smaller equipment is often used on smaller projects as well, but I think that's -- yeah, like anything else in terms of maritime safety that, you know, that the operator needs to be on the boat too.

MR. HERNAN: There's an excellent documentary done on the salvage of the Caribia

done by the Army Corps of Engineers. And if you go on the internet, you can pull up Caribia. Excellent information on that. It's just fascinating, the salvage work they did on that. I've seen that documentary many times that that's how I remember all these names and facts and dates.

MR. ROSS: That's great and we've got it. We'll make sure we take a look at that stuff. Thank you.

MR. HERNAN: And, let's see, one other thing. Some of those areas, I've dove out there in the harbor, I've come across World War II ordnance. Any chance you -- you'll be a -- and even found a nice big huge Japanese anchor, which unfortunately was right at the end of the dive. We were diving deep about 130 feet down and didn't have the time to put a float on it or anything like that, just saw it in the distance. But, you know, not too far off there -- out there, out from hotel warfare (sic) is where I've seen two, what look like two depth charges. They had like tie points for like a wing or something and a wheel. I think -- and I looked at a book on ordnance and it looked

very similar to that.

MR. ROSS: Well, in general, things like unexploded ordnance and frankly just any other kinds of debris when we're working around ports and frankly when we we're working around Navy bases anywhere, it's an issue in Pearl, it's an issue in Long Beach. It's not unusual that in the act of dredging and especially if it's an expansion project that you're deepening an area, deeper than it's been, you know, maintained to. Maintenance projects usually where every year or every two years whatever they go in and they just skim it off down to the same authorized depth every time. You usually don't see a whole lot of debris unless it's something they just dropped.

But debris in general is something that is an issue especially on these new construction deeper work projects and in certain areas. UXO is an issue. We've dealt with this quite a bit in San Diego and in Pearl and -- you know, there's no one answer other than, you know, when we do the upfront surveys and things, we're looking for that kind of thing. But even then, occasionally, something

unexpected comes up and so debris management plan, every project has to follow what's called a dredge operation plan. And to the extent there's any concerns in general about the area, we'll make sure that -- and the Corps of Engineers make sure that there're provisions for what you do if you come across anything like that in the bucket when you're bringing it up. It can be a real safety issue and it's a real world thing.

MR. HERNDAN: Not only that, but part --

MS. CAPLAN: Excuse me, sir. These are great questions, and they're wonderful, they're educational for everybody, but it would be kind of nice, would you mind if we shared the microphone with someone else, to give everybody a chance to speak. Thank you.

MR. HERNDAN: Okay.

MR. ROSS: We can make the rounds a few times.

PUBLIC COMMENT BY BOB SHAMBACH

ENVIRONMENTAL CONSULTANT,

EA SCIENCE & TENCHOLOGY

MR. SHAMBACH: I'm Bob Shambach. I'm with the EA Science and Technology here on Guam, Environmental Consultant. Just a quick, I do have a couple of questions, hopefully they'll be quick though. I noticed that there's a zone of siting feasibility study that was done in September '06. I was wondering if that's posted on your website or is that available electronically or is that even of interest for something like this?

MR. OTA: All right. You're referring to a zone of siting feasibility study --

MR. SHAMBACH: Study. It say's that the final report was done September '06. Is that right?

MR. OTA: Was that the date?

MR. ROSS: Yeah.

MR. OTA: Okay. Okay. I was just momentarily confused. Yeah, okay. Yeah, it is available. It's a final document and we, you know, we hope to have it up on a website, which we haven't created the link yet, on our EPA web page. But we do have copies available that we could supply on CD.

MR. SHAMBACH: Okay. Thanks. Next

question. How long would this disposal site be permitted or is it a permitted site? What's the length of use that you foresee?

MR. OTA: Typically these site designations are good for 50 years.

MR. SHAMBACH: Okay. And then a follow up to that then. As part of the ZSF or that siting feasibility study or the EIS, are there going to be estimates on your usage, say over a 10, 20, 30, 50-year plan, as far as volumes that, worst case scenario, volumes that you would be dumping out here?

MR. OTA: Yes, there is. In fact, the zone siting feasibility study incorporated what we think were worst case scenario volumes for projects that could potentially be using the site, you know, should beneficial reuse, you know, options not be available because of logistics or timing or whatever. So those were considered.

MR. ROSS: Let's just add to this a little bit. The modeling that was done for the initial information that we gave here and showing the size of the disposal site, was actually based on the numbers we were assuming

in this zone of siting feasibility study report. And that was, in this case, this depth position model that showed, in this case, it's the gray circle is where you have 1 centimeter of depth position, 1 centimeter or more, less than that, you really aren't seeing it, but -- so that's the 1-centimeter circle after a million cubic yards being dumped in one year.

And so, that San Francisco site I showed you for example, because of the needs in San Francisco Bay, we designated that for about a 6 million cubic yard per year maximum. So the EIS we did, that was our worst case, worst reasonable case. And so we evaluated the impacts of that worst case volume and modeled the depth position on the sea floor and all that kind of thing.

So that's the same approach we take here. Whatever we see as the worst case volume becomes what we evaluate for and make sure there's no significant impacts of that volume or where the best place to put that much volume is and then anything less than that is going to have even less impact.

MR. SHAMBACH: Mr. Ross, so what you're saying is, whenever you get the -- you're going to choose only one area; you're not going to be dumping everywhere within that boundary? You're going to choose one area that is the area?

MR. ROSS: Absolutely. Thank you for having me clarify that. We have two different study areas to look within and -- you know, as we're kind of showing here, it might be in one, it might be in the other, it might be in a different corner of one or the other, but we are only designating one site in the overall best place environmentally within these study areas.

So the places that we have, the circles here on the graph aren't actual, they're, you know, conceptual, but that's the idea. There would be one somewhere in one of those sites. That's the best place.

PUBLIC COMMENT BY JESSE ROSARIO
FISHERMAN AND RESIDENT OF GUAM

MR. ROSARIO: Hi, good evening. My name is Jesse Rosario. I'm a fisherman and I'm

a resident of this island for many, many years. I guess one of the things is -- this is still a scoping meeting so you're looking at alternatives to try and identify sites for a staging area. Have you ever considered the Mariana's Trench?

MR. ROSS: Thank you. That's a very good question. And we've actually have heard people before say that kind of thing. And as you all know better than me, the trench off here (indicating) on the Pacific side is the deepest spot we've got in the world. The reason we're looking on the west side of the island, and we're sort of constraining our look just to the west side of the island here inside this circle, has to do first with economics, of how expensive it is for people to tow. You add more and more miles and it gets expensive for the project whether it's a port or a marina.

And -- but, I will say this, if there ended up being, through our studies and all your comments and working with you all, if it turned out that there were significant impacts in using either of these areas, these are already six or seven thousand feet deep, and

we're thinking there won't be any big impacts, we're going to find when we do our studies, but if there were, if we found, you know, completely unique habitats there, I can tell you we'd be having to start from scratch and we'd be having to look at a bigger circle. And that bigger circle would, in fact, have impacts on other projects that would be, you know, some people simply wouldn't be able to afford to use it and then you're stuck back on land again and with land impacts of those.

So, we're going to take our first look and in our experience we think environmentally we probably, we think we can find environmentally acceptable spots within this distance. But if not, if the EIS evaluations, and it's got to be an honest evaluation, and we're looking to you, all of you, to help us review that and tell us if we've missed anything big, but if there were just horrible impacts that we don't know about that we find in those areas, we have to look farther.

MR. ROSARIO: I got another question, basically on the same topic. The issue of, you know, when you start to collect all these

dredging, this material, obviously Guam doesn't have the land mass to store this extra soil. What about, you know, every year we get shipping, large ships coming in from foreign country -- Korea and all that, bringing in sands that are used for our golf courses. Obviously, this is not going to be very cost-effective for the government, but environmentally it'll be safe and that's who you are as the EPA, and having it shipped to somewhere like in the dessert of Nevada, out of this island. Because it's, you know, there's some soils that are contaminated caused by the military. I think it's only fair that we don't have to add to the problem but try and rectify, you know, don't compound the problem that we have now because Guam obviously has a lot of problems especially with the dumping sites. And if we create an additional dumping sites it's just going to compound the situation, so.

MR. ROSS: Yeah, I appreciate that comment. I think we're going to make sure we catch it there and we've got it on here too.

The idea that we have is that material that is contaminated, if it's too contaminated

to put back in the water, something else has to happen, and I'm not going to sit here and tell you that that something else couldn't be Nevada in some cases. In our earlier slides, when it gets to really extreme levels of contamination, something serious has to happen with that stuff. It could be treatment or something else.

But, the ocean sites here would not be dumpsites for just anything or just anybody. They would only be for clean material and only when that clean material can't be used for something good on the island for some other thing. So, you know, the one thing I would say is I hope you would find when you read our reports that you don't have to worry that we're dumping contaminated material there.

But it still leaves the real serious question: When you do find contamination material, contaminated material, how do you best handle it when you're on an island that's already got a lot of other problems? That's still a real serious question that's still out there. And, having these disposal sites will not solve that problem, you're right.

MR. MOORE: I think we have some more back here.

CONTINUED PUBLIC COMMENT

BY CHIP BROWN

EA ENGINEERING

MR. BROWN: I'm looking at the beneficial reuse priority slide. When can dredged material be disposed of in the ocean?

MR. ROSS: Plan. You said plan, right?

MR. BROWN: Yes, correct. I'm sorry. Chip Brown with EA again.

MR. OTA: (attempts to look for slide)

MR. ROSS: There we go.

MR. BROWN: It says, "Ocean disposal is not allowed if an alternative less environmental impact is available." What organization makes the determination whether less environmental impact is? And, you know, assuming that everything is clean and everything like that, I can't imagine much environmental impact with dumping in the ocean the clean materials. I'm assuming that running a hundred dump trucks across the Island would definitely have a higher environmental impact.

So, I'm just kind of wondering who makes that determination.

MR. ROSS: Every project needs to, before it gets allowed to go anywhere, needs to go through an alternative analysis. And those kinds of things are exactly the kinds of questions to ask.

What this really means is, if there is something that's better to do that's available and affordable, something beneficial. Let's say, for a moment, let's imagine that you're dredging an entrance channel and you're getting clean sand out of it, no contamination and it's just sand, EPA's rules and regulations, and CZMA I'm sure, and every, all the agencies on Guam would say, "We need that on the beaches. That's a resource. That should not be dumped at sea." We're going to make sure we do everything to find an opportunity to reuse that sediment. Okay? That's kind of an easy one.

Rarely do we end up dumping clean sand anymore anywhere in the country, anymore, offshore, because there's almost always some beach nourishment use or something like that or aggregate for making concrete, whatever.

It gets a little more complicated when the sediment is more mixed, if it's siltier, if it's got, you know, maybe a little bit of contamination and it might not be good for this but it might be okay for that or the salt content's too high.

But more important, or not more important, but more often the driving factor is what alternatives are available. In other words, is there a site to take this stuff to that's already got a permit? Otherwise, if you're -- I think I just broke this mic. Is it still working? Otherwise, the idea here is that if you're, generically a particular beneficial use, yeah, it's available. It might be practical, you might have people who know how to do it, you know, on the island. But if the site isn't permitted, if it doesn't match up in the timing that the dredging need has to happen, then it may not be actually available. It might not be practicable.

If you're familiar with the Clean Water Act Wetland Regulations, it's the same term "practicable." It means in the law, available and capable of being done after taking into

account cost logistics and technology in light of overall project purposes. There's the quote. But what it really means is, can you really do it for this project? Is it affordable? Is it doable technologically? And sometimes, even then, sometimes it would have greater impact. If you're taking 500 trucks pass past a school, if the infrastructure is going to be ripped up by the trucks, if there's -- on the other hand, there are sometimes places where you can barge the material and put it on a beach too. But, it's all case-by-case is what I'm saying.

And so, every project, when it goes through the permitting project process, before it can be dumped in the ocean, we make them go through and look for whether some of these reuse alternatives are available before they get approved.

So, they typically have their own NEPA process. They certainly have their own Corps of Engineers and EPA permitting process and as well as, you know, GovGuam. If it's going to go upland, they've got theat solid waste process to go through. So, it's not just up to

the person who wants to do it. There's a lot of controls on what they get to do.

MR. BROWN: It sounds like something that would be pretty cost intensive then. If someone actually decided they wanted some of this material, they would have to go through all these process. I'm envisioning like a golf course or something like that that wanted to be started in Guam. They would have to go through all these permitting process to be allowed to begin with. But if there was a conflict where maybe the dredger, the Navy, or the Port wanted to dispose the material in one certain way, the other person went through all their permitting and got the permit and they couldn't come to terms, maybe -- who makes that determination if a situation like that comes about where someone wants the material?

MR. ROSS: Uh --

MR. BROWN: Do you see where I'm going with that?

MR. ROSS: I know exactly where you're going, and we do run into those circumstances at times and it's difficult. There isn't a straight answer to that. Sometimes it comes

down to money and whose money and who's being reasonable. Part of the -- one of the tenets of the law though, is that if you're going to place material at somebody's property it has to be a willing landowner, right? Unless the government's going to come in and condemn that land and take it over, and in which case we'd have to pay you, right? We don't do that, you know. So, you're right, there's got to be a meeting of the minds.

Now, one thing that can be done if people in a region and maybe people on the island were to get together and start, you know, all the agencies and the public and everybody start a process, a dredge material management plan-type process where you all work together upfront, not on a project by project basis, but in a planning basis to do just that. To get some sites established.

San Francisco Bay, we've -- for the last 15 years, we've been doing just that. And so, we have regional sites setup. We've been dealing with just some of those issues, because if you don't deal with those issues for the whole community, then you're down to what you

just said is, you know, this landowner and this dredger and if they can't make an agreement on how much it's going to cost and what day it's going to be there and all that stuff, it doesn't matter twhat the permit say, it can happen.

So, getting together and getting a big plan in place to maximize beneficial reuse is a fantastic thing for communities to get together and do. And it gets the fishermen involved, it gets the dredgers involved, it gets the local politicians involved. When you get everybody in agreement, here's the magic, then you go to Congress. Okay? I mean that's what happened in San Francisco. When Congress saw that we had the environmental groups, and the fishing groups, and the labor groups all backing the same alternatives, the same plan, we got the money to do it. But in the short run, before you get all that set up, we still have this process where we're still going to not let people dump anything in the ocean if there's a use that we can make them get the material to that everybody can agree inon.

CONTINUED PUBLIC COMMENT
BY JESSE ROSARIO
FISHERMAN AND RESIDENT OF GUAM

MR. ROSARIO: You know, you're doing a great job in trying to promote the awareness of this proposed site in our area.

The problem, I mean, my question is, you know, you're looking at finalizing the EIS statement in 2009, looking at your slides this afternoon. I was wondering, are you going to continue to do more of these meetings, like having different sides, different villages, getting a lot of the, you know, maximizing the amount of people to participate and submit their ideas or comments or suggestions or opposing what you're doing? Because obviously you look around here, we have less than a dozen people, unfortunately. But, if it weren't for that evening that we had down at the Guam Fisherman's Coop, I would have never have known about this meeting. So, my concern is, how much effort are you going to place in having this awareness program?

MR. ROSS: Thanks very much. That's a really good and important and very fair thing

to say. We didn't do as good a job as we should have done and needed to do to get the word out before we even came here, even for scoping. The only good news I'll say about this is that this is the very beginning of the process. So, there wasn't a whole lot to hear before this anyway.

But as far as getting the word out and getting people to be able to come and I think the idea of us going more actively around, we saw more people like when we met you the other night, by going around a few places, and by far than have come here tonight when we put a newspaper ad out, right? For people to come tonight.

So, when we come back through in early '09, when we actually know -- then we'll have a document for you to look at and chew on and yell at us about, about whether it's good enough. We will come back out and we'll certainly look into -- well, first off, we're going to do a better job of making sure you all know way earlier when it's going to happen. But I think what we'll certainly, we'll look into weather whether and how we should have,

you know, a series of meetings and where, and when. And maybe we can work with you on that when we're getting close. And -- I'm not -- thank you.

Exactly, and we'd love to -- it is hard as you know, there are so many meetings going on out here with so many different issues and so many different agencies to find the time that works for everybody. But I can tell you, we will definitely make a much more concerted effort when we come back out here with the document. You'll already have the document and you'll be able to hopefully have already, you know, be kind of primed and we'll make sure we get to you better next time.

MR. HERNDAN: Are you talking --

MR. ROSS: I'm sorry?

MR. HERNDAN: I thought KUAM did a very good job in getting the word out.

MR. ROSS: They did? Good. And I was, yeah, we didn't know if any press was going to be here, but I'm just glad that those of you who heard about it and came. We do, really do appreciate it. And we have been able to meet with several other people in separate meetings,

but really, we need to hear from the community and we need to hear more.

So, I really hope you'll all comment to us more, maybe think about this a little more. Give us ideas about, you know, take the handout so you can kind of think about it when you go home. Play with the poster in the back, you know, with the magnets, but write to us and or e-mail us or call us and let us know any thoughts you have.

But, we will be starting here this next year doing the actual studies of collecting information about the actual areas we're talking about here. We're going to go down 6,000 feet and start figuring out what's actually there and then we'll really have something more to talk to you about when we come back in the next year.

MR. OTA: Just to elaborate on what Brian just talked about. What I would encourage you to do is to spread the word. You know, we've got -- if you can, you know, take copies of the yellow sheet with you, there's a mailing address, there's an e-mail address, there's a project e-mail address that you could

be -- you could use. You could tell people to send us an e-mail message to, you know, asking us to get on a mailing list and, you know, it's much better if we get as many people involved to make sure we're not missing anything.

So, you know, by all means take advantage of the sheets we have here and spread the word and make sure people contact us. And we're more than willing to, we're more than happy to, you know, include people in the mailing list and involve them in the process.

MS. CAPLAN: It's beginning to look like we don't have any more questions. Is that true? Well --

MR. ROSS: Well, why don't we say this, I mean it's 8:00 now, which is how late we said we would go. Why don't we go ahead and sort of make it informal.

(Public Scoping Meeting concluded at 8:00 p.m.)

TUMON, GUAM, THURSDAY, DECEMBER 6, 2007.

REPORTER'S CERTIFICATE

I, **George B. Castro**, Court Reporter, do hereby certify the foregoing 66 pages, as corrected, to be a true and correct transcript of the audio recording made by me.

I do hereby certify that thereafter the transcript was prepared by me or under my supervision.

I further certify that I am not a direct relative, employee, attorney or counsel of any of the parties, nor a direct relative or employee of such attorney or counsel, and that I am not directly or indirectly interested in the matters in controversy.

In testimony whereof, I have hereunto set

my hand and seal of Court this 27th day of December, 2007.

George B. Castro

CHANGES TO TRANSCRIPTION

Page	Line	Change	Reason	Initial

1
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4
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Agency Correspondence

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

JAN 0 8 2009

Lt. Colonel Jon J. Chytka, Commanding Officer
Department of the Army
U.S. Army Engineering District, Honolulu
Regulatory Branch, Building 230
Fort Shafter, Hawaii 96858-5440

Dear Col. Chytka:

The United States Environmental Protection Agency (USEPA) Region 9 requests your formal participation in preparation of an environmental impact statement (EIS) for the designation of an ocean dredged material disposal site (ODMDS) offshore of Guam, in accordance with the National Environmental Policy Act (NEPA) Regulations for Cooperating Agencies at 40 CFR 1501.6. We expect to prepare the first working draft of the EIS by April, 2009 and hope to conclude preparation of the final EIS by January, 2010. Your participation will be critical to ensure a successful NEPA process and ODMDS designation decision.

As a cooperating agency, the USEPA requests your participation in various portions of the EIS development as may be required. Specifically, we ask for your support as a cooperating agency by:

- Responding, in writing, to this request within 30 days indicating your point of contact;
- Providing comments on working drafts of the EIS within 30 calendar days;
- Responding to USEPA requests for information as timely input will be critical to ensure a successful NEPA process; and
- Participating, as necessary, in meetings hosted by the USEPA for discussion of EIS related issues.

Should you have questions, please call me at (415) 972-3572 or your staff may contact Allan Ota, Regional Ocean Dumping Coordinator, at (415) 972-3476, email: ota.allan@epa.gov.

Sincerely,

Alexis Strauss 8 Jan. 2009
Alexis Strauss, Director
Water Division

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT
FORT SHAFTER, HAWAII 96858-5440

REPLY TO
ATTENTION OF:

MAR 04 2009

Regulatory Branch
Engineering and Construction Division

Ms. Alexis Strauss
Director, Water Division
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901

Dear Ms. Strauss:

This letter is in response to your January 8, 2009 invitation for the U.S. Army Corps of Engineers to serve as a cooperating agency in the U.S Environmental Protection Agency's (USEPA) preparation of an Environmental Impact Statement (EIS) for the designation of an ocean dredged material disposal site (ODMDS) offshore of Guam. As a Federal agency with jurisdiction by law, the U.S. Army Corps of Engineers (Corps) appreciates your efforts to seek our early involvement and obtain our technical input regarding the Corps' regulatory responsibilities pursuant to Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection, Research, and Sanctuaries Act. Accordingly, the Corps is pleased to serve the USEPA as a cooperating agency in the EIS process.

My point of contact for this project is Mr. George Young, Chief, Regulatory Branch, (808) 438-9258. My liaison on Guam will be Mr. Francis Dayton, (671) 339-2108. A copy of this letter will be sent to Mr. Frank Dayton, Guam Regulatory Field Office, PSC 455, Box 188, FPO, AP 96540-1088.

Sincerely,

Jon J. Chytka

Jon J. Chytka
Lieutenant Colonel, U.S. Army
District Engineer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

January 9, 2009

Bill Robinson
Pacific Islands Regional Administrator
NOAA Pacific Islands Regional Office
1601 Kapiolani Boulevard, Suite 1110
Honolulu, HI 96814

Dear Mr. Robinson:

The U.S. Environmental Protection Agency (EPA) Region IX is preparing an Environmental Impact Statement (EIS) for the designation of an ocean dredged material disposal site (ODMDS) offshore of Guam. The site will be selected as part of a long term management strategy for Guam and will provide an additional option for management of suitable (clean or nontoxic) sediments dredged from Apra Harbor as well as other coastal areas in Guam that may need to be dredged. The proposed action will involve only the designation of the site itself; before disposal is permitted, dredged material must be evaluated in accordance with the Marine Protection, Research and Sanctuaries Act of 1972 and its implementing regulations and guidance. Historically, all dredged material generated by Navy and Port Authority of Guam (PAG) projects has been managed on island, either stockpiled in upland dewatering sites or beneficially used. There is an expected shortage of capacity on island to accommodate the anticipated volumes of dredged material over the next 50 years. An ODMDS provides an important management option for dredged material that is suitable and non-toxic, but for which other management options are not practical.

The proposed alternative ODMDS's are outside of the coastal zone of Guam, located approximately 9 to 12 nautical miles north or northwest of Guam, in water depths ranging from 2,000 to 2,700 meters. The two study areas (Northwest and North) are delineated on the enclosed map. In the draft EIS, which is scheduled for release in Summer 2009, EPA will identify candidate site within these study areas and will choose a preferred alternative site. Dredged material disposal operations at these offshore locations are expected to result in temporary localized perturbations; these impacts are expected to be insignificant over the long term. Dredged material disposal operations at these locations offshore of Guam are not expected to result in significant adverse impacts to the coastal zone of Guam, including any shore areas. Compliance monitoring will be implemented in accordance with a site management and monitoring plan to ensure compliance of dredged material disposal operations with site use requirements, including proper disposal at the ODMDS and no leaking of dredged material through the coastal zone in transit to the ODMDS.

In accordance with Section 7(c) of the Endangered Species Act, please advise EPA of the presence of any listed, or candidate, threatened or endangered species in the vicinity of the two study areas identified above. In addition, please advise EPA of any critical habitat for these species which may be impacted by the proposed action. Similar requests have been forwarded to the U.S. Fish and Wildlife Service. EPA would appreciate your response prior to March 31, 2009. Please direct your species advisory information as well as any questions or requests for further information to Allan Ota (ota.allan@epa.gov; phone: 415-972-3476).

Sincerely,

David W. Smith, Chief
Wetlands Regulatory Office (WTR-8)

Enclosure

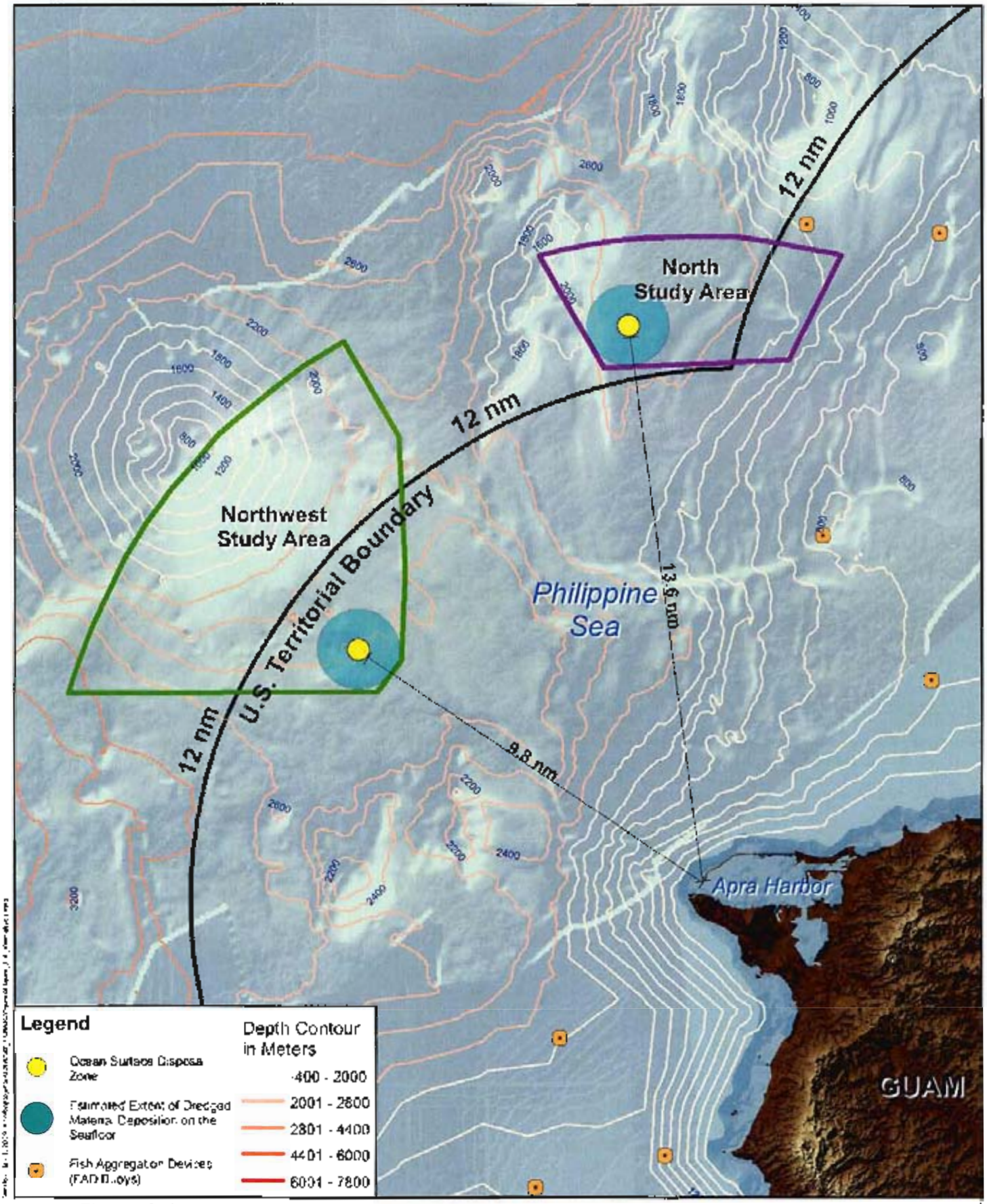

Figure 2-4
ODMDS
Alternatives
Note: To Be Modified in January 2009

Donald Hubner
<Donald.Hubner@noaa.gov>
03/20/2009 03:01 PM

To: Allan Ota/R9/USEPA/US@EPA
cc: Jayne LeFors <Jayne.LeFors@noaa.gov>, Danielle Jayewardene <Danielle.Jayewardene@noaa.gov>
Subject: Guam ODMDS NMFS ESA-listed Marine Species and Critical Habitat

Aloha Allan,

This e-mail is in response to Mr David W. Smith's January 9, 2009, letter requesting a species list for the proposed Guam ODMDS, and announcing the EPA's intent to conduct and EIS. My response covers 3 topics: the species list, ESA consultation, and the EIS.

Species List: For a list of marine species protected under the ESA in the Mariana Islands, please go to our ESA Consultation webpage at http://www.fpir.noaa.gov/PRD/prd_esa_consultation.html. and scroll down to the species list section, where you can download a pdf of the Marianas species list. Whales and pelagic turtles such as leatherbacks are the ESA-listed marine species most likely to be impacted at either of the two sites proposed for the new ODMDS. Unfortunately, I have no specific information about animal distribution or habitat use in those areas. It seems reasonable that sperm whales may forage in or near these

areas, and that other whale species and turtles likely migrate through the near-surface waters.

ESA Consultation: I notice within the first paragraph of David's letter that the EPA's proposed action is limited to the designation of the site, implying that the use of the site is not considered part of the proposed action. ESA consultation on any proposed action must consider the effects of interrelated and interdependent actions (i.e., those actions that would not occur but for the proposed action). In the case of your proposed ODMDS, the transport of material to the site for disposal, and the disposal of the material, are both actions that would not occur but for EPA’s proposed action of permitting the designation of

the site. Thus the effects of transport and disposal on ESA-listed species must be considered in the ESA consultation that we will be doing on this proposed action. Dredging would occur whether the ODMDS is established or not, so the effects of dredging need not be considered in the ESA consultation. Information on the ESA Consultation process can be found at the webpage mentioned above.

The EIS: The EIS should describe/quantify the expected effects of ocean

disposal of dredge spoils: amount and composition of dumped material; expected size (spatial volume) and duration of plume in the water column. These descriptions should be based on a typical barge load. Give estimates of total expected annual use (number or barges/total volume of material). Discuss expected seasonality and periodicity of use as appropriate. Describe/quantify expected use over the planned life of the ODMDS. Describe the physical impact (force) the falling material could have on animals that might be below the barge.

Potential impacts dumping could have on ESA-listed marine species include, but are not limited to, behavioral disturbance due to vessel traffic and the dump plume (startle reaction/avoidance of the area), the falling spoils could injure or kill animals that are under the vessel when the load is dropped, and dumping may disrupt foraging for deep-diving sperm whales within the footprint of the ODMDS. These impacts should be addressed in the EIS. I would be happy to discuss this and to provide you with BMPs that may help reduce potential impacts.

Please include Jayne and Daniel in all future correspondences for the Guam ODMDS, including the promulgation of the DEIS. Jayne is NMFS/PRD's NEPA specialist, and Daniel works with Alan Everson in the NMFS Habitat Conservation Division. We are all interested to know the date(s) for the rescheduled Honolulu meeting to discuss this project. Alternately, are meetings scheduled for Guam any time soon?

Thank you, Don

--
Donald M. Hubner
Endangered Species Biologist
NOAA/NMFS Pacific Islands Regional Office
1601 Kapiolani Blvd. Ste 1110
Honolulu, HI 96814
(808) 944-2233

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

January 9, 2008

Patrick Leonard, Field Supervisor
U.S. Fish and Wildlife Service
Pacific Islands Office
300 Ala Moana Boulevard
Room 3-122, box 50088
Honolulu, HI 96850

Dear Mr. Leonard:

The U.S. Environmental Protection Agency (EPA) Region IX is preparing an Environmental Impact Statement (EIS) for the designation of an ocean dredged material disposal site (ODMDS) offshore of Guam. The site will be selected as part of a long term management strategy for Guam and will provide an additional option for management of suitable (clean or non-toxic) sediments dredged from Apra Harbor as well as other coastal areas in Guam that may need to be dredged. The proposed action will involve only the designation of the site itself; before disposal is permitted, dredged material must be evaluated in accordance with the Marine Protection, Research and Sanctuaries Act of 1972 and its implementing regulations and guidance. Historically, all dredged material generated by Navy and Port Authority of Guam (PAG) projects has been managed on island, either stockpiled in upland dewatering sites or beneficially used. There is an expected shortage of capacity on island to accommodate the anticipated volumes of dredged material over the next 50 years. An ODMDS provides an important management option for dredged material that is suitable and non-toxic, but for which other management options are not practical.

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In accordance with Section 7(c) of the Endangered Species Act, please advise EPA of the presence of any listed, or candidate, threatened or endangered species in the vicinity of the two study areas identified above. In addition, please advise EPA of any critical habitat for these species which may be impacted by the proposed action. Similar requests have been forwarded to NOAA. EPA would appreciate your response prior to March 31, 2009. Please direct your species advisory information as well as any questions or requests for further information to Allan Ota of the Dredging and Sediment Management Team (ota.allan@epa.gov; phone: 415-972-3476).

Sincerely,

David W. Smith, Chief
Wetlands Regulatory Office (WTR-8)

Enclosure

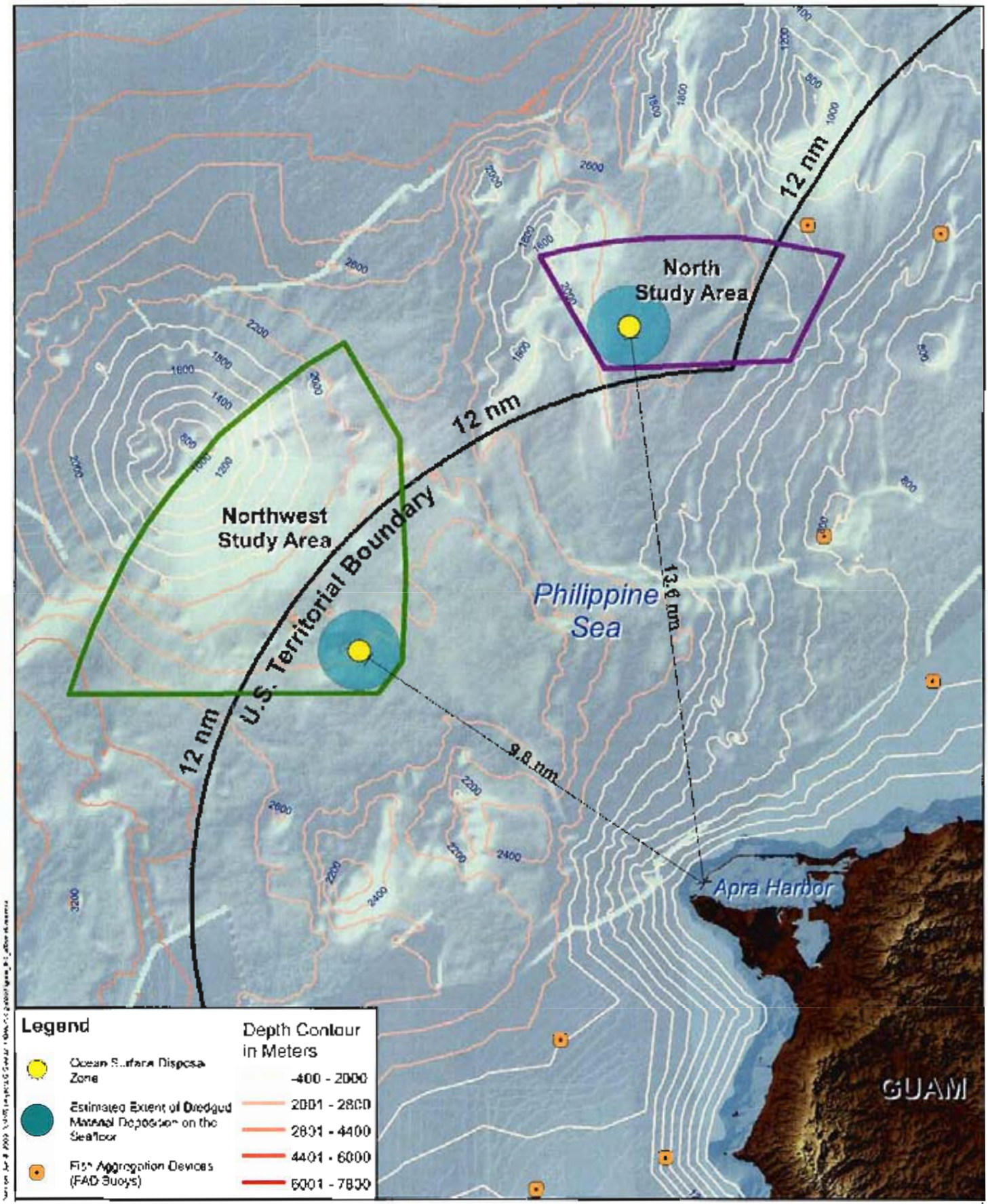

Figure 2-4
ODMDS
Alternatives
Note: To Be Modified in January 2009

Source: NAVFACPAC, 2006

----- Forwarded by Allan Ota/R9/USEPA/US on 03/31/2009 10:45 AM -----

Patrice_Ashfield
@fws.gov

01/21/2009 09:44 AM

To
Allan Ota/R9/USEPA/US@EPA

cc
Holly_Herod@fws.gov,
Michael_Molina@fws.gov,
Jeff_Newman@fws.gov

Subject
Re: Electronic copy of consultation request for Guam ocean dredged material disposal site designation - second try with attachment

dear allan-
got it! thank you. however, since your actions are all offshore, we the section 7 program, do not have any jurisdiction species for you to address. you probably have already contacted nmfs, hawaii, but if you still need to talk to them you can contact Lance.Smith@noaa.gov. lance will help you with any potential project impacts to aquatic species under their jurisdiction to include cetaceans and sea turtles. i will also forward your email to our federal projects group as they address CWA issues.

do you need a formal reply to your letter, or will this email suffice in your administrative record?

thank you again for contacting us.
patrice
~~~~~~

Patrice M. Ashfield
Pacific Islands Fish and Wildlife Office Consultation and Technical Assistance Program Coordinator 300 Ala Moana Blvd.
Room 3-122, Box 50088
Honolulu, Hawaii 96850
808-792-9400
808-792-9581 fax
~~~~~~

GUAM ENVIRONMENTAL PROTECTION AGENCY

AHENSIAN PRUTEKSION LINA'LA GUAHAN

P.O. Box 22439 GMF • BARRIGADA, GUAM 96921 • TEL: 475-1658/9 • FAX: 477-9402

Mr. Alan Ota
US Environmental Protection Agency, Region 9
Dredging and Sediment Management Team (WTR-8)
75 Hawthorne St.
San Francisco, CA 94105—3901
E-Mail : R9Guam_ODMDS_scoping@epa.gov

JAN 1 1 2008

Fax: (415) 947-3537

SUBJECT: Comments on Scoping for Environmental Impact Statement for Site Designation of an Ocean Dredged Material Disposal Site Off Apra Harbor, Guam

Dear Mr. Ota:

Guam Environmental Protection Agency (Guam EPA) is pleased to submit, enclosed, our scoping comments in response to the Notice of Intent by the U.S. Environmental Protection Agency to produce an Environmental Impact Statement (EIS) on the impacts of: Site Designation of an Ocean Dredged Material Disposal Site Off Apra Harbor, Guam

We understand that the comments deadline for this scoping is January 11, 2008. We submit these before that deadline and request that these be included in scoping input to the development of the Draft and the Final EIS.

We wish to thank you for the opportunity to present these concerns for scoping of the EIS.

Please call me or the Guam Environmental Protection Agency's acting Chief Planner, Mike Gawel, at (671) 475-1658 if there are questions on these comments or more information is needed.

Sincerely,

LORILEE T. CRISOSTOMO
Administrator

Enclosure
Cc: Dept. of Land Management
Dept. of Public Works
Dept. of Agriculture
Chamorro Land Trust
Port Authority of Guam
Bureau of Statistics and Plans

Guam Environmental Protection Agency

January 2008

COMMENTS FOR SCOPING INPUT TO THE EIS
OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY:

SITE DESIGNATION OF AN OCEAN DREDGED MATERIAL DISPOSAL SITE
OFF APRA HARBOR, GUAM

Historic Ocean Disposal:
List and describe previous instances of ocean disposal off Guam or examples in other similar tropical areas and describe the resulting impacts of such disposals. As part of benthic baseline investigations, include obtaining photos of impacts at old disposal sites (e.g., 3 miles off Orote Island).

Types of Materials to be Disposed:
Characterize the range of types of dredged materials produced on Guam that may be allowed to be disposed in the designated site. Testing criteria that must be applied before approving the materials for disposal must be described in the EIS.

Quantities to be disposed:
If quantities projected from tentative future projects can be estimated, provide these. At least estimate these for the Port of Guam deep draft expansion plans and Navy aircraft carrier berthing plans.

Frequencies of Use:
If the numbers of projects that plan to use this site over future years can be estimated, the numbers and lengths of activity periods at the site should be projected.

Methods of Disposal:
Describe proposed methods for ocean disposal at the site. Include practices that would be required to be followed to minimize the plumes generated and make sure the material is placed in a stable manner (assuring there is minimal segregation of size fractions, which could lead to instability problems later, since the site is along an earthquake prone island arc). Projected effluent plumes should be described.

Qualified User Parties:
Besides the Navy and Port Authority of Guam (PAG), what other businesses and entities may be allowed to use ocean disposal at this site? Can private foreign businesses dredging on Guam be allowed to use the site? What economic considerations can be applied to control such private party use to better support beneficial uses? Also, can materials originating from non-Guam areas be allowed to be disposed at the site?

Site Users' Need for Permits:
Regulatory agencies of the US and the Government of Guam will apply their permitting and regulatory responsibilities, as required by US National laws and Guam laws, to the activities undertaken by the users of the ocean disposal site. To allow expeditious use of the disposal site, the permitting requirements should be obtained from Federal and Guam agencies, including the Guam Bureau of Statistics and Plans, the Guam Environmental Protection Agency and the Guam Department of Agriculture. The permits, approvals and consultations needed from Government of Guam Agencies as well as from other Federal Agencies should be noted as part of the draft EIS. The parameters required by US EPA for quality of disposable materials and methods of verifying this quality should be included. What bioassays will be applied to determine impact of dredged materials to living resources at the site? What justifications and analysis will be needed to qualify each dredging project for ocean disposal versus beneficial use?

Plans for Beneficial Use:
The Government of Guam in all cases prefers beneficial use of dredged materials rather than ocean disposal and requests that the US EPA recognizes and describes these uses and their estimated capacities and locations on Guam as part of this EIS. The EIS must propose and evaluate alternatives that may best serve both the civilian and the military communities on Guam through a comprehensive island-wide approach. The Guam Departments of Land Management, Public Works and Agriculture, the Chamorro Land Trust, Guam Environmental Protection Agency, Port Authority of Guam (PAG), Bureau of Statistics and Plans, Council of Mayors and others, as well as the Air force and Navy, must all be approached by the EIS preparers to obtain information on sites and needs for beneficial uses. These should include filling for fast land (as at the PAG), cover for landfills, capping of clean-up sites, restoration of old quarry sites, beach enrichment, road base fill and use for construction material.

Large quantities of fill are planned to be used for expansion of Guam's commercial port and arrangements have been made to utilize dredged material from Navy dredging.

Cover for the Ordot and the military landfills is constantly needed and possibility of using dredged material should be discussed in the EIS.

Dozens of Installation Restoration (clean-up) sites of hazardous wastes on DOD properties as well as off-Base, Formerly Used Defense Sites (FUDS), are recognized. Many more on Guam may be found in the future as resources become available to identify them. These are being assessed and slowly restored to allow safe, but often restricted, uses of at least adjoining properties. Increased DOD developments will lead to pressure to increase and speed up the investigation and restoration of these hazardous waste sites. Suitability of transporting, storing and finally using dredged materials for capping clean-up sites should be assessed in the EIS.

Old quarry sites should be assessed and calculations of potential volumes of dredged material needed to restore them for uses such as recreation should be assessed.

Although Guam has regulated shoreline developments to avoid a need for beach enrichment, future demands for this process are expected and the use of dredged material for beach replenishment or creation should be investigated as another alternative to ocean disposal. Perhaps, as part of the military expansion and training plans, new beaches may be needed for amphibious landing exercises, to avoid damage to and competition for use of natural beaches.

New road construction is required on Guam, and this should greatly expand with urgent requirements for roads needed by the military. The potential needs for road materials and the suitability and requirements of using dredged materials as sub-base fill should be addressed.

The EIS should provide the projected costs per unit of purchasing construction and fill materials for which dredged materials can be replaced. Expanded demand for quarry materials for military construction and off-base construction triggered by the military developments must be generally assessed. The costs and actions necessary to substitute dredged materials for quarry products should be listed. The possibility of exporting usable dredged materials to other ports, using ships that unload in Guam and return empty, should be considered.

Recent technology for producing "muderete' from silty and salty dredged materials has been applied successfully and economically for construction. This beneficial option should also be addressed.

Assessment of Benthic Resources and Habitats:
Descriptions of the benthic ecosystem, including substrate composition, bathymetry and animal species and their abundance and values must be provided. Deep sampling and photography must be used to accomplish this. The EIS must note potential impacts to listed endangered species and marine mammals and address protection of their habitats, including providing studies and evaluation of their habitats at the disposal site and links of the benthic ecosystem with the pelagic one at the site.

Impacts to Pelagic Living Marine Resources: Some of the few remaining large scale fisheries resources in the world that are not over-fished, the Western Pacific tuna stocks, are in waters surrounding Guam. Guam has had plans for expanded development of a longline fishing fleet within its exclusive economic zone. Impacts on pelagic fish at the site should be assessed. Impacts must be addressed on Essential Fish Habitat. Whales are recorded from this area and photos document birth of a sperm whale in the vicinity. Impacts to marine mammals and information on their migration and possible exposure to disposal operations must be included.

Assessment of Oceanic Conditions:
Water quality (nutrients, salinity, turbidity, oxygen, light penetration, chlorophyll, etc) and plankton composition at a range of depths through the water column from surface to bottom at the site as well as thermoclines and ocean currents at the site to be impacted must be described.

Monitoring:
Proposed methods and protocols for monitoring impacts during disposal operations and periodically over time should be described. Monitoring activities by US EPA should be described and their frequency.

Use of Local Expertise:
Local expertise must be utilized as well as off-Island expertise in developing the assessment of impacts to living resources. There is a wealth of knowledge and expertise based on Guam, in staff at the University of Guam and with private consultants and local agencies, that should be tapped for EIS preparation. They cannot work for free and may expect consulting salaries for preparing information, reviewing documents and completing studies. They are the experts on Guam's resources, not consultants from outside of Guam.

Coordination with other Federal Use Plans:
Coordinate with Mariana Islands Range Complex EIS/OEIS identifying military training areas off Guam.

Potential Impacts on Sea Traffic Should Be Addressed.

Why not an "Overseas EIS"?
The Department of Defense (DOD) is developing an Environmental Impact Statement/Overseas Environmental Impact Statement on the impacts of 1) proposed relocation of 8,000 Marines from Okinawa to Guam, 2) facilities for berthing of nuclear aircraft carriers at Guam and 3) placement of an Army Ballistic Missile Defense Group on Guam. We have been told by representatives of the DOD that their reason for having an "Overseas Environmental Impact Statement" is because their proposed actions and impacts are to be "beyond 12 miles" from US shores and that this distance is said to trigger the need of an OEIS. Is this application of an OEIS also needed for Designation of an Ocean Dredged Material Disposal Site which is an action proposed to be more than 12 miles off shore? What is the difference between an EIS and an OEIS?

National Defense Concerns Versus EPA requirements:
What circumstances relative to National Defense would override, modify or cancel the US EPA requirements applied to ocean disposal of dredged material by the DOD?

BUREAU OF STATISTICS AND PLANS

(Bureau of Planning)

Government of Guam

Felix P. Camacho
Governor of Guam

Michael W. Cruz, M.D.
Lieutenant Governor

P.O. Box 2950 Hagåtña, Guam 96932
Tel: (671) 472-4201/3
Fax: (671) 477-1812

Alberto "Tony" Lamorena V
Director

JAN 11 2008

Mr. Allan Ota
US EPA, Region 9
Dredging and Sediment Management Team (WTR-8)
75 Hawthorne Street
San Francisco, California 94105-3901

Dear Mr. Ota:

The Bureau of Statistics and Plans recognizes that the existing ocean disposal site for dredged material expired in 1997, and a new disposal site must be identified and designated in conformance with the Marine Protection Research and Sanctuaries Act (MPRSA). Under the Act, the U.S. Environmental Protection Agency (USEPA) and the U.S. Corps of Engineers (USCOE) share a number of responsibilities with regard to the ocean disposal of dredged material. The principal authority and responsibility for designating ocean sites for the disposal of dredged material is vested with the Regional Administrators of EPA regions in which the sites are located. Accordingly, ocean dumping cannot occur unless a permit is issued by the USCOE under the MPRSA, using EPA's environmental criteria and subject to EPA's concurrence.

There is a need to identify a new ocean disposal site offshore of Apra Harbor, Guam, as a means to dispose of suitable (non-toxic) dredge material for which other beneficial re-uses are exhausted. We request that the following be addressed in the EIS for the site designation of an ocean dredge material disposal site off Apra Harbor, Guam:

- We understand that the material to be disposed of at this offshore site will be considered "clean" or "suitable," but it is not clear exactly what standards are used to determine if the material is suitable or not. The EIS must clearly define the test criteria that must be applied before approving the material for disposal.

- The EIS should identify the party/parties responsible for conducting the tests, and the agency responsible for making the final determination that the material is clean before it is moved to the ocean disposal site. We do not support a testing program implemented solely by the dredging contractor, and prefer that a government agency carry out or at least oversee the testing and make the final determination that the material is clean. Furthermore, we are also concerned that the Guam Environmental Protection Agency (GEPA), which is the agency likely to be tasked with such a responsibility, may not have the capacity to carry out this responsibility effectively. The demands on local natural resource agencies will increase significantly as the military build-up is undertaken, and the capacity of these agencies to effectively carry out existing and new responsibilities will be in question.

- The EIS should address the need for monitoring of disposal operations in order to ensure that the material is disposed of properly.

- We prefer beneficial re-use of dredge material over ocean disposal and suggest that the EIS include an exhaustive search of existing and future public and private sector projects that may benefit from the dredge material. The comments provided by the Guam EPA include several options for beneficial re-use. Please note that a Memorandum of Understanding (MOU) was signed on April 12, 2001 between the Department of the Navy and the Government of Guam for the beneficial use of dredge material from the Navy construction dredging project in Inner Apra Harbor for proposed PAG construction projects.

- The EIS should provide an examination of different disposal methods, such as the thin layer disposal method.

- The EIS should include a comprehensive analysis of the impacts of dredge material disposal on the benthic ecosystem at each alternative site. Deep-water sampling and photography should be used in this analysis. Plume modeling should also be utilized in the analysis in order to properly assess the extent of down-current impacts.

- The EIS should also address impacts to pelagic fisheries and marine mammals.

We are looking forward to receiving for our review a copy of the required Environmental Impact Statement (EIS) and the rulemaking paperwork associated with this ocean disposal site designation process, as well as justifications and alternatives to ocean disposal of the dredged material. Proper disposal of dredged materials and how they are secured must be included in the EIS, ensuring that toxic materials harm aquatic and wildlife.

Sincerely,

ALBERTO A. LAMORENA V
Director

cc: GEPA
DoAg
DPR
DLM
Office of the Governor
Jparks/B.Millhouser
R9guam_ODMDS_Scoping@epa.gov

Department of Agriculture
Dipåttamenton Agrikottura

163 Dairy Road, Mangilao, Guam 96913

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Animal Health	734-3940
Aquatic & Wildlife Resources	735-3955/56; Fax 734-6570
Forestry & Soil Resources	735-3949/50; Fax 734-0111
Plant Nursery	734-3949
Plant Protection & Quarantine	472-1651; 475-1426 Fax 477-9487

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lt. Governor

Paul C. Bassler
Director

Joseph D. Torres
Deputy Director

January 11, 2008

Mr. Allan Ota
U.S. Environmental Protection Agency, Region 9
Dredging and Sediment Management Team (WTR-8)
75 Hawthorne Street
San Francisco, California 94105-3901

Dear Mr. Ota:

The Department of Agriculture has reviewed the Federal Register Notice of November 27, 2007, (Vol. 72, No. 227) on the intent to prepare an Environmental Impact Statement (EIS) to designate a permanent Ocean Dredged Material Disposal Site (ODMDS) off Apra Harbor, Guam. The EIS will be prepared in cooperation with the U.S. Department of the Navy (Navy). The following comments have been prepared pursuant to the National Environmental Policy Act of 1969; the Endangered Species Act of 1973 as amended; the Fish and Wildlife Coordination Act of 1934, as amended; and other authorities mandating the Department of Agriculture's (Department) concern for environmental resources. The Department offers the following comments for your consideration.

The purpose of the proposed project is to designate a permanent ODMDS to accommodate harbor dredging-related work being planned for Apra Harbor. The Navy and Port Authority of Guam anticipate expanding existing harbor facilities in order to accommodate anticipated increases in vessel and cargo traffic within the harbor, new classes of vessels, dock side maintenance and support operations. Expansion-related activities would involve dredging large amounts of sediment from Apra Harbor and not all of this sediment may be acceptable for land-base reuse. The harbor will also need periodic maintenance. Therefore, it may be necessary to establish a permanent ODMDS in the vicinity of Apra Harbor to accept non-reusable dredged sediment.

Two alternative locations for the ODMDS are being considered. First, the "North Alternative ODMDS" is to designate a permanent site approximately 12-15 nautical

miles from Guam at depths ranging between 6,000 to 6,600 feet. Second, the "Northwest Alternative" is approximately 9-15 nautical miles from Guam at depths ranging between 6,600 and 8,400 feet. There is also a "No Action" alternative that would not designate a ODMDS and allow limited disposal of dredged material in Guam landfills.

1. The Department recommends that an evaluation of the area for its coral reef resources be ascertained in both alternative sites. The EIS should provide an assessment of the extent of submerged ridges and peaks capable of supporting coral reef resources that may be affected by the action. Furthermore, oceanic circulation patterns, storms, and other pertinent factors should be included in this analysis that may transport suspended dredged material in disposal plumes to coral reef habitat.

2. The introduction of fine particulate from ocean-dredged material into the ocean environment may impact coral reef resources via the water column. Therefore, the EIS should include ecologically sound suspended sediment guidelines for ocean disposal to prevent sediment disposal intensity (e.g., sediment concentration values), duration (*e.g.*, sediment persistence in the water column), and frequency (*e.g.*, recovery time between high sediment events).

3. The Department recommends that the EIS discuss potential impacts to significant ecological relationships and affected marine biological communities as a result of the proposed ODMDS for each of the alternative actions presented. Particular attention should be given to addressing potential impacts to sand habitat and infauna, all forms of algae including coralline algae, coral colonies, macro-invertebrates, reef fish, and coral reef communities and their ecological functions.

4. The Department recommends that the EIS indicate that all proposed sediment disposal will be conducted to avoid Guam coral spawning periods, approximately June through August. Sediment can impact motile coral larvae thus reducing their survival.

5. The Department recommends an assessment of the impacts to Fish Aggregating Devices (FADS) located to the ODMDS.

6. The EIS should discuss sea birds, migratory birds, endangered, threatened, protected, rare, and native species that may be impacted by the proposed action. This discussion should also entail how sediment disposal would not be dumped on endangered, threatened, and protected species that may be underneath the vessel at the time of disposal. The Department is very concerned that sea turtles and marine mammals may be affected by the proposal sediment disposal activities.

7. The National Marine Fisheries Service (NMFS) should be contacted regarding the potential for adverse impacts to these resources in the vicinity of the alternative disposal sites under consideration to endangered and threatened species in

accordance with Section 7 of the Endangered Species Act of 1969. As the local resource agency responsible for the protection of endangered and threatened species, the Department would like to be included in the consultations pertaining to these marine vertebrates.

8. It also recommends that Best Management Practices be incorporated into any sediment disposal operations to avoid or minimize project-related degradation of water quality and impacts to fish and wildlife resources.

9. The Department recommends that appropriate compensatory mitigation measures be described in the EIS if unavoidable resources losses are anticipated, including provisions for monitoring mitigation actions against performance standards to assess the effectiveness of the mitigation effort.

10. The presentation at the scoping meeting held at the Westin Resort in Guam did not depict all of the fishing banks. The Department recommends that all fishing banks be included in the EIS to determine if there are other potential impacts to fishing.

11. The Department recommends that the EIS discuss why other potential sites, such as those located south and east of the island, are not being considered as proposed alternative actions. If a study was conducted previously, the EIS should contain a copy of the study.

12. The scoping presentation did discuss identifying an economic disposal distance. However, the economics related to cost between disposing at a land site and at an ocean site needs to be discussed within the EIS. This would help in making an informed decision of the alternative sites.

13. The EIS need to discuss how the disposal site will occupy a small area on the ocean bottom as explained at the December 6, 2007 scoping meeting. The actual size of the area needs to be included in the EIS and the conditions of the site at the time the option was chosen. The EIS needs to take into account differing environment conditions, such as ocean currents, circulation patterns, wind speed, storms, etc. to determine other size dimensions that the sediment would occupy on the ocean floor after disposal Previous studies involving this situation should be included in the EIS.

14. The EIS should discuss the development of a dredge material management plan to include but not limited to procedures on how and when ocean sediment disposal can occur. This would ensure that proper protocols are taken to avoid sediment from accidentally spilling into an area that is not the ocean disposal site.

The Department appreciates the opportunity to provide comments on the NOI. If you have any questions regarding this letter, please contact Acting Assistant Chief, Jay Gutierrez by telephone at (671) 735-3980.

Sincerely,

for PAUL C. BASSLER

cc: NMFS PIRO Honolulu
U.S. Environmental Protection Agency – Region IX, San Francisco
U.S. Environmental Protection Agency- Region IX, Honolulu
U.S. Fish and Wildlife Service, Honolulu
Army Corps of Engineers (ACOE), Guam
Bureau of Statistics and Plans (BSP), Guam
Guam Environmental Protection Agency (GEPA)
Western Pacific Fisheries Management Council

DEIS Distribution List

DEIS Distribution List						
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30th Guam Legislature	Benjamin Cruz	Vice Speaker	155 Hesler Street, Suite 107	Hagatna	GU	96910
30th Guam Legislature	Tina Muna-Barnes	Senator	155 Hesler Street, Suite 101	Hagatna	GU	96910
30th Guam Legislature	Rory J. Respicio	Senator	155 Hesler Street, Suite 302	Hagatna	GU	96910
30th Guam Legislature	Judith P. Guthertz	Senator	155 Hesler Street, Suite 301	Hagatna	GU	96910
30th Guam Legislature	Thomas C. Ada	Senator	173 Aspinall Ave, Suite 207 Ada Plaza Ctr	Hagatna	GU	96910
30th Guam Legislature	Matt Rector	Senator	153 Sesame Street	Mangilao	GU	96923
30th Guam Legislature	Adolpho B. Palacios	Senator	155 Hesler Street, Suite 104	Hagatna	GU	96910
30th Guam Legislature	Vicente C. Pangelinan	Senator	324 W. Soledad Avenue Suite 101, Quan Building	Tamuning	GU	96913
30th Guam Legislature	Frank B. Aguon	Senator	238 Archbishop Flores Street, Suite 701 A, DNA Building	Hagatna	GU	96910
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30th Guam Legislature	Telo Taitague	Senator	238 Archbishop Flores St., Ste. 501, DNA Bldg	Hagatna	GU	96910
30th Guam Legislature	Frank F. Blas	Senator	238 Archbishop Flores St., Suite 907, DNA Bldg	Hagatna	GU	96910
Mayor's Council of Guam	Angel Sablan	Executive Director	P.O. Box 786	Hagatna	GU	96932
Mayor of Agana Heights	Paul M. McDonald	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Agat	Carol S. Tayama	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Asan-Maina	Vicente L. San Nicolas	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Barrigada	Jessie B. Pelican	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Pago-Ordot	Jessy Gogue	Mayor	P.O. Box 786	Hagatna	GU	96932
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Mayor of Hagatna	John A. Cruz	Mayor	P.O. Box 786	Hagatna	GU	96932
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Mayor of Talofofo	Vicente S. Taitague	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Tamuning, Tumon, Harmon	Francisco C. Blas	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Umatac	Dean D. Sanchez	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Yigo	Robert Lizama	Mayor	P.O. Box 786	Hagatna	GU	96932
Mayor of Yona	Jose Terlaje	Mayor	P.O. Box 786	Hagatna	GU	96932
NOAA National Marine Fisheries - Pacific	Kay Zukeran		Islands Regional Office 1601 Kapiolani Blvd, Suite 1110	Honolulu	HI	96814
NOAA National Marine Fisheries	Valerie Brown		Guam Field Office, 163 Dairy Road, 1601 Kapiolani Blvd Suite 1110	Mangilao	GU	96923
NOAA National Marine Fisheries	Tany Topalian		CNMI Field Office P.O. Box 10007	Saipan	MP	96950
Department of Interior	Sarah Creachbaum		National Park Service 135 Murray Blvd	Hagatna	GU	96910
Department of Interior	Thomas Weimer		Office of Insular Affairs 1849 C Street	Washington	D.C.	20240

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National Resources Conservation Service	John H. Lawrence		First Hawaiian Bank, Ste 301, 400 Route 8 Pacific Basin Area Office	Mongmong	GU	96910
Office of Marine Safety - Captain of Port	William Marhoffer		455 Box 176 FPO AP U.S. Coast Guard Guam Sector GU PSC		GU	96540
Asst. Adjutant General	Franklin Leon Guerrero	Lt. Col.	Guam Air National Guard, Department of Military Affairs	APO-AP AAFB 0		
Department of Military/Guam Army National Guard	Donald Goldhom	Brig. Gen.	430 Route 16 Bldg. 300 Rm 113	Barrigada	GU	
EPA Region 9 - Honolulu	Wendy Wiltse		300 Ala Moana Blvd, Rm 5152, Box 50003	Honolulu	HI	96850
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U.S. Fish and Wildlife Service	Jeff Newman	Habitat Consultation Division	300 Ala Moana Blvd, Rm 3122, Box 50088	Honolulu	HI	96850
U.S. Fish and Wildlife Service	Michael Molina		300 Ala Moana Blvd, Rm 3122, Box 50088	Honolulu	HI	96850
U.S. Fish and Wildlife Service	Earl Campbell		300 Ala Moana Blvd, Rm 3122, Box 50088	Honolulu	HI	96850
U.S. Fish and Wildlife - Guam	Arthur Taimanglo		415 Chalan San Antonio Rd Baltej Pavilion, Ste 209	Tamuning	GU	
NOAA Fisheries Service	Bill Robinson		1601 Kapiolani Blvd, Ste 1110	Honolulu	HI	96814
NOAA Fisheries Service - Habitat Division	Gerry Davis		1601 Kapiolani Blvd, Suite 1110	Honolulu	HI	96814

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NOAA Fisheries Service - Habitat Division	John Naughton		1601 Kapiolani Blvd, Suite 1110	Honolulu	HI	96814
NOAA Fisheries Service - Protected Resources Division	Chris Yates		1601 Kapiolani Blvd, Suite 1110	Honolulu	HI	96814
NOAA Fisheries Service - Protected Resources Division	Arlene Pangelinan		1601 Kapiolani Blvd, Suite 1110	Honolulu	HI	96814
NOAA Fisheries Service - Habitat Division	Valerie Brown		Guam Office c/o DAWR 163 Dairy Road	Mangilao	GU	96913
USDA Wildlife Services		Vice Assistant State Director	1060 Route 16, Suite 103C	Barrigada Heights	GU	96913
USDA Wildlife Services	Craig Clark		1060 Route 16, Suite 103C	Barrigada Heights	GU	96913
U.S. Army Corps of Engineers	Charles Klinge	Lt. Col.	Honolulu District, Bldg 230	Fort Shafter	HI	96858
USACE Honolulu District - Regulatory Branch	George Young		Building 230	Fort Shafter	HI	96858
USACE - Guam Regulatory Branch	Frank Dayton		PSC 455, Box 188	FPO	AP	0
Bureau of Statistics and Plans	Alberto Lamorena		P.O. Box 2059	Hagatna	GU	96932
Department of Agriculture	Paul Bassler		163 Dairy Road	Mangilao	GU	96913
Guam EPA	Lorilee Chrisostomo		P.O. Box 22439	Barrigada	GU	96921
Nieves M. Flores Memorial Public Library			254 Martyr Street	Hagatna	GU	96910

DEIS Distribution List						
Office	**Official**	**Position**	**Address**			
RFK Memorial Library, University of Guam			303 University Drive	Mangilao	GU	96923
Barrigada Public Library			177 San Roque Drive	Barrigada	GU	96913
Dededo Public Library			283 West Santa Barbara Ave.	Dededo	GU	96929
Agat Public Library			165 Follard Street	Agat	GU	96928
Merizo Public Library			376 Cruz Avenue	Merizo	GU	96915
Yona Public Library			265 Sister Mary Eucharita Drive	Yona	GU	96915
Hawaii State Public Library			478 S. King Street	Honolulu	HI	96813
I Nasion Chamorro	Maga Haga Ben Garrido & Debbie Quinata		P.O. Box 6132	Merizo	GU	96916
Governor's Civilian - Military Taskforce	Donald Goldhom	Adjutant General Brig. Gen.	430 Route 16 Bldg 300 Rm 113	Barrigada	GU	96913
Guam Chamber of Commerce	Eloize Baza		173 Aspinall Avenue Suite 101, Ada Plaza Center	Hagatna	GU	96910
Guam Contractor's Association	James A. Martinez	Executive Director	East West Business Center 718 N. Marine Drive, Suite 203	Upper Tumon	GU	96913
Guam Fisherman's Cooperative	Mike Duenas	Manager	Gred D. Perez Marina	Hagatna	GU	96910
Commission on Decolonization	Eddie Benavente	Executive Director	P.O. Box 2950	Hagatna	GU	96932
c/o Senator Won Pat's Office Women's Working Group			Payless Corporate Office Bldg 116 Chalan Santo Papa	Hagatna	GU	96910

DEIS Distribution List						
Office	**Official**	**Position**	**Address**			
Private Mail Bag			Pacific Concerns Resource Centre	Suva	FIJI ISLANDS	
Earth Justice National Headquarters			426 17th Street, 6th Floor	Oakland	CA	94612
Sierra Club			85 Second Street, 2nd Floor	San Francisco	CA	94105
Regional Office - Natural Resources Defense Council			111 Sutter Street, 20th Floor	San Francisco	CA	94104
	Roberto Cabrezo		P.O. Box 229	Hagatna	GU	96932